Civil Engineer Richard C. Hollyday, United States Navy, to be Chief of the Bureau of Yards and Docks in the Department of the Navy, with the rank of rear-admiral, for a period of four years.

Lieut. Commander Edward H. Campbell to be Judge-Advocate-General of the Navy, with the rank of captain, for a period of four years.

Commander Charles B. T. Moore to be a captain in the Navy from the 1st day of July, 1907.

Surg. Averley C. H. Russell to be a medical inspector in the Navy from the 7th day of May, 1907.

To be passed assistant surgeons:

Frederick E. Porter from June 7, 1907;

Paul T. Dessez from June 10, 1907;

William N. McDonell from September 19, 1907; and

Eugene A. Vickery from October 11, 1907.

Second Lieut. Frederick A. Barker to be a first lieutenant in the Marine Corps from the 19th day of December, 1906, vice Second Lieut. Maurice V. Campbell, who was due for promotion, but was honorably discharged before qualifying therefor.

First Lieut. Douglas C. McDougal to be a captain in the Marine Corps from the 14th day of November, 1907.

Second Lieut. William T. Hoadley to be a first lieutenant in the Marine Corps from the 14th day of November, 1907.

Second Lieut. Alexander T. Watson to be a first lieutenant in the Marine Corps from the 31st day of December, 1907.

Maj. Joseph H. Pendleton to be a lieutenant-colonel in the Marine Corps from the 1st day of January, 1908.

First Lieut. Presley M. Rixey, jr., to be a captain in the Marine Corps from the 1st day of January, 1908.

Second Lieut. Emile P. Moses to be a first lieutenant in the Marine Corps from the 1st day of January, 1908.

Second Lieut. Harold F. Wirgman to be a first lieutenant in the Marine Corps from the 2d day of January, 1908.

The following-named captains, who were transferred to the retired list of the Navy, from the 30th day of June, 1907, to be rear-admirals on the retired list of the Navy, from that date, in accordance with a provision contained in the naval appropriation act approved June 29, 1906:

George P. Colvocoresses,

William H. Reeder,

John M. Hawley, and

Perry Garst.

Lieut. Hutch I. Cone to be a lieutenant-commander in the Navy from the 1st day of January, 1908.

Lieut. Roscoe C. Bulmer to be a lieutenant-commander in the Navy from the 3d day of January, 1908.

Second Lieut. Lauren S. Willis to be a first lieutenant in the Marine Corps from the 17th day of July, 1906.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy:

Lawrence M. Schmidt, of Illinois, and

Egbert G. Mackenzie, of New Jersey.

POSTMASTERS.

FLORIDA.

George A. Alba to be postmaster at St. Augustine, in the county of St. John and State of Florida.

GEORGIA.

John A. Crawford to be postmaster at Dalton, in the county of Whitfield and State of Georgia.

MISSISSIPPI.

James R. S. Pitts to be postmaster at Waynesboro, in the county of Wayne and State of Mississippi.

NEW YORK.

Manly A. Aiken to be postmaster at Kenwood, Madison County, N. Y.

John Diesend to be postmaster at Tuckahoe, Westchester County, N. Y.

Myatt E. Goring to be postmaster at Wappingers Falls, Dutchess County, N. Y.

Alexander M. Harriott to be postmaster at Rye, Westchester County, N. Y.

Warren J. Martin to be postmaster at Port Chester, Westchester County, N. Y.

Charles F. Shelland to be postmaster at Oneonta, Otsego County, N. Y.

Harvey D. Waite to be postmaster at Berlin, Rensselaer County, N. Y.

Peter H. Zimmerman to be postmaster at Wayland, Steuben County, N. Y.

NORTH CAROLINA.

Charles A. Jonas to be postmaster at Lincolnton, in the county of Lincoln and State of North Carolina.

William J. Leary, sr., to be postmaster at Edenton, in the county of Chowan and State of North Carolina.

John R. Mobley to be postmaster at Williamston, in the county of Martin and State of North Carolina.

OHIO.

Charles H. Bryson to be postmaster at Athens, Athens county, Ohio.

Otis T. Locke to be postmaster at Tiffin, Seneca county, Ohio.

REJECTIONS.

Executive nominations rejected by the Senate January 14, 1908.

POSTMASTERS.

OHIO.

David C. Mahon to be postmaster at Dennison, in the county of Tuscarawas and State of Ohio.

Emil H. Moser to be postmaster at Wapakoneta, Auglaize County, Ohio.

John F. Wetherill to be postmaster at Spencerville, in the county of Allen and State of Ohio.

George W. White to be postmaster at Uhrichsville, in the county of Tuscarawas and State of Ohio.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 14, 1908.*

The House met at 12 o'clock m.

Prayer by Rev. CHARLES D. BULLA, of Alexandria, Va.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

By uanimous consent, reference of House Document No. 481, being an estimate for elimination of grade crossings, District of Columbia, was changed from the Committee on the District of Columbia to the Committee on Appropriations.

BRIDGES ACROSS GRAND CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11330) to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind., which I send to the desk and ask to have read.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the gentleman a question. Is this a unanimous report from the committee?

Mr. CRUMPACKER. This bill is in the prescribed form and reported unanimously by the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

Mr. CRUMPACKER. Mr. Chairman, I also ask unanimous consent for the present consideration of the bill (H. R. 11331) to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River in the town of Gary, Ind., with an amendment thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Baltimore and Ohio and Chicago Railroad Company, a consolidated corporation of the States of Ohio and Indiana, is hereby authorized to construct, maintain, and operate a bridge across the Grand Calumet River at or near the town of Gary, Lake County, Ind., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind."

With the following committee amendment:

In line 6 strike out the words "a point in" and insert in lieu thereof the words "or near."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CRUMPACKER a motion to reconsider the last vote was laid on the table.

PERSONAL PRIVILEGE.

Mr. SMITH of Missouri. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Missouri. Mr. Speaker, I desire to make a correction of an article which I find in the Washington Herald of this morning. I will read the paragraph to which I make objection. It is as follows:

A delegate from the bookbinders said a bill had been introduced in Congress by Congressman SMITH, of Missouri, which made it a penal offense for members of a labor union to strike, and provided a penalty—a fine of not more than $5,000, or imprisonment for ten years.

He said an amendment had been also introduced by Congressman HUGHES, of New Jersey, which provided that this bill should not interfere with the rights of organized labor, but had been lost.

At the time referred to, Mr. Speaker, the Committee of the Whole of this House had under consideration section 19 of the penal code, known as the Kuklux statute, leveled against conspiracies of two or more from entering into agreements that might be classified or denominated as conspiracies. In my judgment, it embraced agreements and contracts that labor unions or locals might enter into in undertaking to declare a strike or a boycott, and in order to relieve the section of that ambiguity and of possibly that construction I offered the following amendment which I desire to read into my remarks——

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman presents no question of personal privilege so far, and I suppose he has stated what he complains of.

Mr. CLARK of Missouri. Mr. Speaker, unless the Speaker is going to rule in favor of the gentleman from Missouri [Mr. SMITH], to have a statement which one makes in the House, an amendment that one offers, turned wrong end foremost in the public press and to have exactly the contrary effect from that intended, is surely a question of personal privilege.

The SPEAKER. The Chair is inclined to believe that it does not come within the rule. The gentleman might proceed, however, by unanimous consent.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Missouri. Mr. Speaker, the amendment I refer to is as follows:

Provided, That nothing in this section shall embrace any agreements made by labor or trade unions that shall result in or affect the declaring of a strike or boycott, nor any efforts in the exercise of free speech made by such labor or trade unions after such strike or boycott shall have been declared: *Provided*, Such efforts are made in a peaceable manner: *And provided further*, That they are made for the purpose of inducing nonunion persons to act with them and against the company or corporation against which the strike or boycott has been declared, even though such company or corporation be injured thereby in its property rights.

Now, I am entirely satisfied of this fact, that the person who made the statement purporting to be quoted in the Herald misunderstood the facts. I am not of the opinion that he made the statement with malice or with the purpose of injuring me, but not being, as a rule, accustomed to meeting such amendments, he got the wrong impression and conception of it. The amendment was intended for exactly the opposite to what the Herald said it was intended. It was intended to relieve labor unions, and, I might say, aid them, when preparing to declare a strike or boycott, the exact purpose as expressed in the amendment itself.

I believe its language is in as clear and precise words as could be very well found. It might possibly be limited, so far as words are concerned, but by limiting it ambiguity, in all probability, would arise. My purpose was to save labor unions undertaking a boycott or strike, in a lawful manner, from prosecution under a section which I believe is subject to that construction which has been placed upon it. In fact, the statute has been, as I understand, invoked within the last few days in Colorado for the express purpose of prosecuting laboring men—miners about to strike.

Now, Mr. Chairman, these remarks are made for the purpose of protecting my standing at home and here, because I want to be correctly reported when the newspapers are pleased to speak about me whatever. [Applause.]

DEPARTMENT OF AGRICULTURE.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of joint resolution No. 88.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 88) to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

Resolved, etc., That the act of Congress approved March 4, 1907, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," be, and the same is hereby, amended to authorize the Secretary of Agriculture to use for rent not to exceed $60,000 of the moneys appropriated by said act for general expenses of the Forest Service, instead of "not to exceed $40,000" for such purpose, as provided in said act.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to have some explanation.

Mr. SCOTT. Mr. Speaker, the act approved March 4, 1907, making an appropriation for the expenses of the Department of Agriculture during the current year provides that not to exceed $40,000 of the amount appropriated for the use of the Bureau of Forestry may be expended for rent. Since that act was passed there have been added to the national forests about 25,000,000 acres of land. The administration of this additional territory has, of course, involved the employment of a large number of additional people, and that has in its turn involved the necessity of additional employment not only of men in the field, but also of additional clerks here in Washington. I may say that this resolution was introduced at the request of the Secretary of Agriculture, whose letter I hold in my hand and from which I will read a brief paragraph:

It has been necessary, for the proper administration of the national forests, to open many new headquarters for the field officers and to enlarge the quarters of the service in Washington. Unless the Secretary of Agriculture is given authority to spend for rent an increased portion of the moneys appropriated by the act of Congress referred to, the field officers of the service will be seriously inconvenienced and hampered in their work.

The committee considered the resolution very carefully, having before it an officer of the Forestry Bureau, and brings in this resolution with a unanimous report.

Mr. FITZGERALD. Is this not in effect a deficiency appropriation?

Mr. SCOTT. Well, I do not so regard it, because it merely provides for the modification of an appropriation—increasing the amount that may be used for a particular purpose. It does not involve an increase in the appropriation.

Mr. FITZGERALD. Under the law the Department has authority to expend such proportion of its appropriation as it pleases for rent outside of the city of Washington. The limitation is merely upon the expenditure to be made for rent of offices in the city of Washington or District of Columbia.

Mr. SCOTT. No; that limitation is not placed upon the original appropriation.

Mr. FITZGERALD. There is a limitation under the general law that no money shall be expended for rent in the District of Columbia unless otherwise authorized by Congress, and the Department could in the conduct of its business extend these general expenses for rent outside of Washington, while it can not expend it for additional quarters in Washington.

Mr. SCOTT. The appropriation has already been made for rent both within the city of Washington and without the city of Washington, the limitation upon the amount being placed in the aggregate of $40,000. It is now the desire simply to increase that allowance by $20,000 additional, making it $60,000.

Mr. FITZGERALD. Well, is it a fact the Department gets $20,000 more for general expenses than is granted, or will it come back asking for $20,000 additional in its appropriation for this fiscal year?

Mr. SCOTT. Oh, no; it simply means the Department will have to limit its activity in other directions on account of the necessity of providing for these needs.

Mr CRUMPACKER. As I understand, this resolution purports to amend simply a limitation that was imposed upon a lump-sum appropriation; is that right?

Mr. SCOTT. That is right.

Mr. CRUMPACKER. So that it is simply an amendment to a limitation increasing the amount of a sum that has already been appropriated.

Mr. SCOTT. That is the purpose of the resolution.

Mr. FITZGERALD. I understand the chairman of the Committee on Agriculture assures the House that the Department will not come back with a deficiency of $20,000 for this fund.

Mr. SCOTT. I think I can say I will be personally responsible for that proposition.

Mr. FITZGERALD. I feel sorry for the gentleman's confidence.

Mr. TAWNEY. As I understand, you made it possible for the Department of Agriculture to use $40,000 of the lump-sum appropriation for the Forestry Service for rent in the city of Washington?

Mr. SCOTT. That is right—I beg your pardon—in the city of Washington and outside of the city of Washington.

Mr. TAWNEY. Well, in the city of Washington and outside the city of Washington. Now is it the committee's purpose to increase that lump $20,000?

Mr. SCOTT. It increases the amount $20,000, making the total sum available for rent $60,000.

Mr. TAWNEY. In the reading of the resolution as I heard it from the Clerk's desk I did not catch whether it was an increase simply of $20,000 or not, and I thought by asking this question that I would get it in the RECORD, so that the Department would not consider that it had authority to use $60,000 additional.

Mr. SCOTT. I do not think there can be any doubt about the construction put upon the resolution. The wording is very plain. Mr. Speaker, I call for a vote.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read a third time and passed.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

COMMITTEE ON THE LIBRARY.

Mr. McCALL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Library be authorized to have such printing and binding done as may be necessary in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. McCALL. Mr. Speaker, I also offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Library be authorized to sit during sessions of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

BRIDGE ACROSS CACHE RIVER.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12412).

The SPEAKER. The gentleman from Arkansas [Mr. MACON] asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Missouri and North Arkansas Railroad Company, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Cache River at or near a point in section 21, township 5 north, range 3 west, in Woodruff County, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment:

In line 7 strike out "or near," after the word "at," and insert after the word "point," in the same line, "suitable to the interests of navigation."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. MACON, a motion to reconsider the vote by which the bill was passed was laid on the table.

REVISION OF CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11701).

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal codification bill, with Mr. BANNON in the chair.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to amend by striking out section 45.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] moves to strike out section 45. The gentleman is recognized for five minutes.

Mr. MOON of Pennsylvania. Mr. Chairman, is there an amendment to this section now pending?

The CHAIRMAN. There is not.

Mr. WILSON of Pennsylvania. Mr. Chairman, if the committee having charge of the codification, revision, and amendment of the criminal laws had confined itself to the codification of the same, I would not at this time or at any time during the consideration of the bill have proposed any amendment, but would have confined myself solely to the classification and arrangement of the same. But the committee has considered the measure to the extent of proposing amendments, adding to and taking from the criminal code as it now exists, and present this bill in that form. I believe, therefore, that it is proper, the committee having considered the criminal code for the purpose of amendment, that the House should consider it for the same purpose, and that in passing over these various sections we should take sufficient time to see that they conform to our present standard of civilization.

The section in question, that I have moved to strike out, provides that any man who induces a workman or artificer engaged in the arsenals or armories of the Government to leave that employment may be fined or imprisoned. In my opinion, that is a false conception of our criminal policy. If you are going to punish for a violation of civil contracts to labor, then I hold that when an employer of labor violates that civil contract, whether it is the Government or a private employer of labor, that he should be subject to the same punishment that you inflict upon the employee when he violates the contract, and no provision is made anywhere in our criminal code for punishment by fine or imprisonment of any employer of labor for a violation of a civil contract to labor. If the workman seeks employment with the Government and finds it there, and is employed either at will or for a specified time, the Government at any time, or the agents of the Goverment at any time, may dismiss him for cause or for no cause, and the agent of the Government responsible for that dismissal is not punished by fine or imprisonment, and the only recourse that the dismissed employee has is in our civil courts in a suit to recover for damages. The same should be the case with regard to employees. They enter into a civil contract to perform labor. If they violate that contract, then the recourse of the employer, whether an agent of the Government or a private employer, should be a civil suit to recover damages for the injury done by the violation of the contract, and not by criminal punishment.

Yet this bill discriminates in that manner. The law to-day discriminates in that manner. You may say that the workman is poor; that he has no property from which you can recover in a suit for damages if he violates a contract to labor. That may be true, and it is so much the worse for the workman. But if he has no property, if he has no means, then he is bankrupt, and you should no more punish him for that bankruptcy and that failure to make good than you would punish the employer of labor for the same offense. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. Vote!

Mr. COCKRAN. One moment. I do trust that the committee will vouchsafe some explanation of this very remarkable paragraph. We have here a section which may expose a person to prosecution, conviction, and serious punishment who, in the ordinary course of things, might never dream that there was any crime or act of turpitude involved in the transaction which it prohibits. Now, we are here to codify, revise, and make clear the law, so that every citizen knowing its provisions will, if he choose, be able to obey it. I do hope this body will not, by reenacting obscure, doubtful, or obsolete laws, occupy itself in preparing pitfalls for the footsteps of the citizen. Here is a section so extraordinary that I do not believe any member of this committee understands it; yet we are asked to vote upon it under the whip and spur of a shout from the other side. If this be a genuine revision of the penal laws, I protest against the suppression of inquiries so obviously legitimate as this.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. COCKRAN. Certainly.

Mr. CRUMPACKER. Does not the acute mind of the gentle-

man discover an element of public policy in this section? Arsenals and armories are institutions connected with the public defense, and the gentleman will notice that it is no crime for a workman or artificer to quit employment, but it is made a crime for anyone else to induce or procure one to quit an institution that is so intimately associated with the public defense. Therefore it embodies an important element of public policy.

Mr. COCKRAN. Is that the explanation?

Mr. CRUMPACKER. That is my judgment.

Mr. COCKRAN. May I ask, are you a member of the committee?

Mr. CRUMPACKER. I am not. That is the way it strikes the ordinary mind.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. COCKRAN. With pleasure.

Mr. WILLIAMS. The element of public policy that exists in this matter could exist only in the case of war. The gentleman from North Carolina [Mr. WEBB] attempted to recognize the element of public policy in so far as it really existed by the amendment he offered on yesterday, which was voted down, saying that this should be law during war. During times of peace there is no element of public policy entering into it. It is not a matter of public defense, because the Government is not defending itself. It is merely an industrial pursuit in which a man is engaged, with a contract obligation existing between him and the Government, and it stands upon no higher possible base than the same contract between me and an employee if I were carrying on the business of constructing cannon, or between me and an employee if I am carrying on the business of raising a cotton crop.

Mr. HULL of Iowa. I should like to submit to the gentleman that in time of peace the Government is engaged in preparing for war; and if we did not keep them going at the arsenal in time of peace, we should not have them ready in time of war.

Mr. WILLIAMS. Mr. Chairman, I will answer that——

Mr. HULL of Iowa. I want to say a little more.

Mr. COCKRAN. I am perfectly ready to yield the floor for a question, but——

Mr. HULL of Iowa. I beg the gentleman's pardon.

The CHAIRMAN. The gentleman declines to yield further.

Mr. COCKRAN. I call attention now to the fact that here we have explanations of this extraordinary section offered, not by members of the committee which has reported it, but by gentlemen who are quite as innocent of the actual causes that led to its being reported as I am. Surely, if there be any object whatever in revision, it is not merely to compile statutes, because they have been enacted heretofore, but to eliminate those that have become obsolete.

If we may judge from the character of the report accompanying this measure, it would seem that this particular section was passed originally with reference to some peculiar condition existing in the year 1800. Whatever that condition may have been, surely the committee on revision should describe it to this body, so that we who have not made a special study of all these various statutes would be enabled to judge intelligently the reasons that have led to the report in its present form. I trust the chairman of the committee will realize that, in courtesy, at least, he is bound to place before us any reasons he may have for reporting this extraordinary section.

Mr. MOON of Pennsylvania. Mr. Chairman, the implied accusation of the gentleman from New York [Mr. COCKRAN] of a lack of courtesy upon the part of the chairman of this committee is entirely unwarranted. No request has been made for any explanation before, and now that it is made, I am happy to give it. This section was pretty thoroughly discussed yesterday. The committee based its action in reporting it upon the fact that it was existing law and upon the belief, as has been stated by gentlemen upon the floor of this House, that it was necessary for the protection of the Government. As has been stated by the gentleman from Iowa [Mr. HULL], this nation prepares for war in time of peace. This section does not in any sense punish a workman who leaves the employment of the United States Government. That is the error into which gentlemen have fallen in this discussion. It leaves him in the same position as a workman in any other employment. It simply punishes the intermeddler or the man who attempts to get him away from the employer, who, either individually or in conspiracy with other people, attempts to weaken this working arm of the Government. It is existing law, it is good law, and it doesn't make any distinction, except the distinction that always ought to be made in the protection of the Government. It makes no distinction between that and private individuals. That is the reason why the committee reported it, because it is existing law.

Mr. HENRY of Texas. Will the gentleman yield to me for a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. HENRY of Texas. The gentleman stated that the section only punishes the person who entices the workman to leave the arsenal. Let me call his attention to a line that punishes the person who employs, harbors, or conceals such person.

Mr. MOON of Pennsylvania. "After due notice."

Mr. HENRY of Texas. It does not exclude that idea.

Mr. MOON of Pennsylvania. After due notice of the fact of employment. I trust the gentleman from New York will not insist or imply any discourtesy on the part of this committee or its chairman.

Mr. COCKRAN. Had the gentleman from Pennsylvania made this explanation to us, or had any person on behalf of his committe made it, the criticism which I have just ventured would have been wholly unjustifiable. But I challenge him to find in the RECORD one word explaining that section until he has vouchsafed it here under the whip and spur of remonstrance. I am sorry the occasion for it arose, but, Mr. Chairman, I have no apology to make for a course which has procured such a flood of light upon a question so obscure.

Mr. MOON of Pennsylvania. Mr. Chairman, I hope the gentleman will not be sarcastic. I do not propose to prolong the discussion. I do not believe it is necessary upon the part of the chairman of this committee to make an explanation always, nor discuss upon the floor of the House a provision which is perfectly clear. The chairman of the committee has work enough to superintend this legislation without duplicating what has already been said, and so well said.

Mr. COCKRAN. Where was anything of the kind said by anyone? I ask the gentleman from Pennsylvania where it has been said, by him or on behalf of his committee before he spoke—where has one word of explanation been vouchsafed to this committee upon this section?

Mr. MOON of Pennsylvania. I have not the record.

Mr. COCKRAN. Here it is.

Mr. MOON of Pennsylvania. This section was discussed, and my recollection is that this section was fully explained.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Pennsylvania, chairman of the committee, said that this section does in no manner punish the man that is employed by the Government in the arsenal or armory. In that he is mistaken. It punishes him by depriving him of employment at a better wage, and it does that in a twofold way; first, by punishing any man who comes to him and offers him a better wage, and, secondly, by punishing any man who employs him while he is under contract to the Government.

Now, Mr. Chairman, the gentleman from Iowa [Mr. HULL] has said——

Mr. WILSON of Pennsylvania. And it punishes a man who harbors or conceals him.

Mr. WILLIAMS. I understand that. The gentleman from Iowa, repeating that old-time, worn, foolish phrase, "In times of peace prepare for war," which ought to be "In times of peace prepare for a better established peace." The gentleman says that there is an element of desertion or a lack of patriotism, or something of that sort, in the action of the man who leaves the arsenal or the armory in times of peace. He asked the question, How are we going to prepare for war when war comes if these men be not restrained to their employment? My answer is, you are to keep the armories going just as I keep up my work, just as every farmer or contractor keeps up his work, namely, by offering wages sufficient to keep the laboring man at work. [Applause.]

That is the answer to that. Now, I am willing to admit that in time of war for a man to leave the employment of the Government when he was constructing arms of defense for the Government, in strain and stress of struggle, does bear with it a certain element of desertion of the cause of the Government. I wished to see adopted the amendment of the gentleman from North Carolina [Mr. WEBB], confining this enactment to time of war, because in time of war every man engaged in a Government workshop is in a certain sense "a soldier of the Republic," and should so regard himself. Moreover, in time of war you would not find men—such is the patriotism of the American workmen—leaving the Government service merely because they can get higher pay somewhere. But in time of peace workmen ought to be free to leave it whenever they can get a better wage anywhere else. [Applause on the Democratic side.]

Mr. HULL of Iowa. Mr. Chairman, as this law was originally passed in 1800, it seems to me the country has got along pretty well without any oppression of labor for more than a century, and it has been reserved for statesmen in 1908 to discover the danger of it.

Mr. WILLIAMS. Will the gentleman permit one interruption there?

Mr. HULL of Iowa. Yes.

Mr. WILLIAMS. At that time laws similar to that affecting apprentices and workmen were upon the statutes of England and all of the States with regard to all sorts of employment.

Mr. HULL of Iowa. I understand they are in Mississippi today, and that in regard to labor in the cotton fields, if I am not misinformed, it is a crime to try to persuade a man to leave picking cotton during the season. Mr. Chairman, this is not a punishment of the man for leaving any arsenal. He can quit his work whenever he wants to without being subject under this law to any punishment. It is only a punishment of the man that organizes to stop public work by going in and interfering with legitimate contracts with the Government, and so far as the wages are concerned the gentleman from Mississippi [Mr. WILLIAMS], as leader of the minority, should know that the Government of the United States, at every arsenal and every armory under the Military Establishment, is compelled to pay the highest rate of wages prevailing in similar employment outside, and if wages is advanced for similar labor by private persons or corporations the Government at once meets the advance.

Mr. DALZELL. For eight hours' work.

Mr. HULL of Iowa. For eight hours' work, and they are not permitted to work more than eight hours, even where they work more than eight hours outside. They talk about not getting ready for war in time of peace, Mr. Chairman——

Mr. WILSON of Pennsylvania. Will the gentleman permit a question?

Mr. HULL of Iowa. One minute. We do it in all lines of military preparation. We have an army in time of peace to drill and equip and get ready for war. If it were not for the danger of war this country would not need one regular soldier. We punish desertion in time of peace as we do in time of war. Of course, this is not on the same basis as desertion. It is a civil contract in the Military Establishment, and when that contract is not satisfactory to the man himself he can quit without punishment, but if there is an organization to break up the work at an arsenal or at an armory or at any place where we are preparing munitions of war in time of peace for use in time of war, the men that organize the conspiracy ought to be punished for it, and it has been the policy of this Government, from its foundation up to the present time, to punish that. I yield now for a question.

Mr. WILSON of Pennsylvania. Is it not a fact that under this clause any individual employer, without having organized a conspiracy, would be punished or could be punished for offering higher wages to workmen in the armories and arsenals, and thereby inducing the employees to leave?

Mr. HULL of Iowa. I think not, in good faith, because our regulations require that as wages are raised outside the Government must pay the highest rate of wage. No trouble or danger has come to anyone under this law in all our past history. It would be an impossible thing to ever happen in one of our armories.

Mr. HARDY. Will the gentleman yield for a question?

Mr. HULL of Iowa. Oh, yes.

Mr. HARDY. As I understand this law provides that any citizen after due notice who shall conceal or harbor any man who has quit employment shall be punished. Your law does not punish the laborer, you say, but it takes from the laborer the very means of finding other employment, and as completely binds his hands as if it had placed him in jail, and it speaks of him as being concealed, as though he were flying from pursuit. You say you are not after the laborer, but you are right after him.

Mr. HULL of Iowa. If there is a conspiracy to break up these works all parties engaged in such conspiracy should be punished. Men quit every day in these places. They fulfill their contracts and quit of their own accord. This provision is to protect the Government of the United States against conspiracies by men who want to destroy the ability of the Government to care for its own defense.

Mr. HARDY. But if you have a laborer in your shops——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACON. Mr. Chairman, I am in favor of dealing with the Government as fairly as I deal with individuals, and I know that it is a wrong policy to even encourage the thought of having individuals violate contracts that they have honestly entered into with individuals, and it ought to be the same to encourage anyone to violate a contract honestly entered into with the Government.

This section ought to remain in the law. To strike it out would be an encouragement to persons who contract with the Government to perform a certain class of work to violate the contract whenever anyone offers them a higher wage. I was raised upon a farm, and I know that in January you can employ a person to raise a crop for a much less price per month than you can in April after the crop has been pitched and the grass has begun to grow, and yet, notwithstanding the friendship that exists between farmers, you will find neighbor farmers sometimes offering a higher wage in April to persons who are under contract than they were contracted with for in January. Now, this law as it exists simply requires others to let persons alone who have entered into a contract with the United States Government to perform the service contracted to be performed, to live up to their contract in good faith, and it requires nothing more, and I can not see how a man who believes in the integrity of a contract, who believes in doing things in good faith, can insist for a single moment that we ought by our votes advise, encourage, and induce persons who have contracted with the Government to violate their contract in any sense of the word.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman in charge of the bill if the words of this section are exactly the words of the act of 1800, or in what way they have been changed?

Mr. MOON of Pennsylvania. Except the word "artificer," which is no longer in use. There is no such employment.

Mr. GAINES of Tennessee. Has this section been carried in our several codifications of the Federal laws?

Mr. MOON of Pennsylvania. Always.

Mr. GAINES of Tennessee. Have we ever had anyone convicted of disobeying this law?

Mr. MOON of Pennsylvania. I have no knowledge.

Mr. GAINES of Tennessee. I would like to know. We have been living under this language since 1800, and I understand nobody has disobeyed it or been convicted under it.

Mr. MOON of Pennsylvania. Well, I will say to the gentleman I do not think that is any argument against it. If the law is so effective that men obey it there is no reason why we should abrogate it.

Mr. GAINES of Tennessee. I am reminded somewhat of a system, not exactly a system, but there are a number of cases where members of the Navy have left the naval service and been directly and immediately employed by private manufacturing establishments engaged in contracts with the United States. Why not stop that with a similar law? Why, here is a laborer, a sweater, a man with soot and grease on his hands, a man with his sleeves rolled up; he is hemmed in by this statute; no one can employ him knowing he is in the employ of the Government and escape punishment, thereby hampering both.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Yes; if it is short.

Mr. HULL of Iowa. If you will read the statute you will see it does not apply to a man voluntarily quitting Government employment, but to men induced by outside parties to quit and violate a contract.

Mr. GAINES of Tennessee. I understand that; you use the words "due notice." But what is an act of inducement?

Mr. HULL of Iowa. Is it not a fact that on all Government work men quit every month and go into other employment?

Mr. GAINES of Tennessee. I presume so. I do not charge bad faith upon anybody here at all. I am trying to have by law what really I think the Members here want to do and not arbitrarily shut off the freedom of the laborer. Now he can not get outside employment if anyone induces him to leave or anyone employs him without "due notice." In other words, there must be due notice.

Now, then, suppose I want to leave the employment, and I go across the creek, or across the river, or across the city, and seek employment. I go into the manufacturing concern of Hull & Co., and I say, "I am working for the Government of the United States, but I want to work for you." You say, "All right." Now, under this law Hull & Co. are amenable, and yet that means doing nothing more than what any free man in the United States ought to have the right to do, and what any laborer ought to have the right to do, and what Hull & Co. also ought to have the right to do, or Gaines & Co., or any other firm in the country.

Now, what is due notice? You have made it so proscriptive here that the employee's liberty is practically destroyed. The firm that he goes to will say, "We are not allowed to employ you, though I will pay you double your present wage. But we can not employ you. I want you, and you want to leave,

as you are tired of working for the Government. They are not giving you enough. You want to work ten hours, and the Government lets you work eight hours," and so on. There are many reasons why an able-bodied, industrious man wants to quit working for the Government. You see how he is hobbled in seeking outside employment. I say that the wording of this statute is too severe upon the rights of a man who wants to quit the Government employ and who wants a man outside of the Government to employ him.

[Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. WILSON] to strike out section 45.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WILSON of Pennsylvania. Division, Mr. Chairman.

The committee divided, and there were—ayes 70, noes 8.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed the gentleman from Pennsylvania [Mr. MOON], and the gentleman from Pennsylvania [Mr. WILSON] as tellers.

The committee again divided, and the tellers reported—ayes 78, noes 104.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] offers an amendment, which the Clerk will report.

Mr. WEBB. With the permission of the Chair I will read it. It is as follows:

Add at the end of the section the following:

Provided, That this section shall only apply to said persons so employed in time of war between the United States and any other power or when the President by proclamation shall declare that the enforcement of this section is for the safety of the Republic.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WEBB. Division, Mr. Chairman.

The committee divided, and there were—ayes 46, noes 78.

So the amendment was rejected.

The Clerk read as follows:

SEC. 47. Whoever shall go upon any military reservation, Army post, fort, or arsenal, for any purpose prohibited by law or military regulation; or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than $500 or imprisoned not more than six months, or both.

Mr. KEIFER. I notice that this section 47 is a new one. I have no doubt the draftsman intended to cover everything of a certain class. I move that there be added in line 5, after the word "reservation," the words "national cemetery."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 47, line 5, after the word "reservation," insert the words "national cemetery."

Mr. KEIFER. I wish to state that it seems to me there is as much importance in keeping and preserving all the police regulations for the national cemeteries of this country as for any post or fort or arsenal or general military reservation. It has been suggested that national cemeteries are military reservations. I do not think they come within that general classification, but it certainly will do no harm to add these words here and leave the section as it is, a penal section, entitled to strict construction, and have it beyond any question.

Mr. STAFFORD. The phraseology, as amended, does not cover even the National Soldiers' Homes, but I doubt from the reading of the paragraph whether it is intended to cover those places. I would like to have some explanation from some member of the committee as to the purpose of this new section.

Mr. KEIFER. I think it is highly important that this amendment should be made.

Mr. WILLIAMS. The national cemeteries have police regulations.

Mr. KEIFER. But they do not have the potential powers that some of the others have.

Mr. WILLIAMS. They make absolute police regulations.

Mr. KEIFER. Army posts have powers, and they are in the provision.

Mr. WILLIAMS. If the gentleman from Ohio [Mr. KEIFER] will permit an interruption, the object of this law is to keep out spies, and to keep out people who want to draw maps of forts and arsenals and who want to find out the sort of powder we are compounding. The object is to protect the military secrets of the Government from those in whose possession they might do harm, and those reasons do not apply to national cemeteries or Homes in the slightest degree. The only thing you have got to provide as to cemeteries is police power to keep people from destroying flowers and breaking down trees and going over the graves, and those who are in authority have ample powers for that. They say when the gates shall be closed, and under what circumstances people shall enter, and all that.

Mr. PARSONS. Mr. Chairman, I suggest to the gentleman from Ohio that there is a special section of the Revised Statutes, section 4881, which specifically covers the case of national cemeteries, and that the revision of that section will cover his point. It is in the title "National cemeteries," and this section does not affect that at all, but the special section does. It will appear later.

Mr. KEIFER. Mr. Chairman, of course I shall have to take the word of the distinguished gentleman when he says that there is a section, but I do not know where it comes in here in this codification.

Mr. PAYNE. I suggest to the gentleman that he ask unanimous consent to pass this section with his amendment pending, and if he wishes to press it in the future he can do so.

Mr. KEIFER. I have no objection to that suggestion.

Mr. MOON of Pennsylvania. One moment, Mr. Chairman. The object of this section has been clearly expressed by the gentleman from Mississippi. It was urged upon the commission by the War Department, not only for the purposes enumerated there, but to protect soldiers from people coming onto the reservation and taking them off to dives and illicit places surrounding the encampments. It was said to be a frequent occurrence that people would come with carriages and conveyances and time after time lure the soldiers away. They could be ordered away, but there was no law to punish them for reentering and constantly returning, and therefore they constantly defied authority by reappearing upon the reservation. Therefore this was recommended in obedience to the request of the War Department.

Mr. STAFFORD. Will the gentleman permit an inquiry?

Mr. MOON of Pennsylvania. Yes.

Mr. STAFFORD. If the latter aim is purposed, should not the scope be extended to apply to soldiers in National Soldiers' Homes, where they also are visited by these persons having the same designs upon the old soldiers, so as to prevent them being led into the resorts outside?

Mr. MOON of Pennsylvania. Nothing like to the extent that it happens at Army posts; at least the Department has never realized any danger in that respect.

Mr. PAYNE. Is not this statute designed to protect the property of the Government so far as relates to the national defense, without regard to Soldiers' Homes and national cemeteries?

Mr. MOON of Pennsylvania. Yes; that is true.

Mr. PAYNE. That is an entirely different subject. This only relates to the national defense.

Mr. MOON of Pennsylvania. That is correct.

Mr. STAFFORD. The reading of it shows that the real purpose was to prevent spies and the like from getting possession of the secrets of the Government, and not for the enforcement of police regulations.

Mr. MOON of Pennsylvania. Yes.

The CHAIRMAN (Mr. OLMSTED). The question is on the motion of the gentleman from Ohio [Mr. KEIFER].

The question being taken, the amendment of Mr. KEIFER was rejected.

Mr. FLOYD. I move to amend by inserting after the word "regulation," in line 6, the words "made in pursuance of law."

I do not desire to speak to any extent on this amendment, but submit that the act should only apply to regulations made pursuant to law.

Mr. MOON of Pennsylvania. Mr. Chairman, that is the purpose of the section, and therefore I will accept the amendment of the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas, which the Clerk will report.

The Clerk read as follows:

In line 6, after the word "regulation," insert "made in pursuance of law."

The amendment was agreed to.

The Clerk read as follows:

SEC. 59. Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of the Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than $250 or imprisoned not more than six months, or both.

Mr. DE ARMOND. Mr. Chairman, I notice that considerable changes are made in the old law, and that the word "willfully" is put into the law in this section, while in preceding sections words very much less expressive and less searching, for perhaps the same grade of offense, are used. I should like to hear from the committee why the word "willfully" is put in here.

Mr. MOON of Pennsylvania. The gentleman will observe that in existing law the word "willfully" does not appear. The committee felt that an owner of property might accidentally remove or deface a section corner, or he might without any knowledge at all that it was a witness tree cut down a witness tree, and that it was not the policy of the Government to punish a man who did this innocently. Therefore we incorporated the word "willfully."

Mr. DE ARMOND. Mr. Chairman, I really do not think the amendment is a good one, and I shall move to strike out the word "willfully." Under the language as it was I do not think anyone who accidentally did the thing forbidden, without criminal intent, would be held liable.

Putting such a word as "willfully" makes success all the more difficult when endeavoring to bring to justice those who actually and purposely destroy or deface a landmark or witness tree. I do not believe that the good done to the unoffending citizen, when his act is not a crime, will compensate when we undertake to bring to justice those who actually with intention to commit the act offend against the principle of the statute. I believe that the change is not a good one.

The CHAIRMAN (Mr. OLMSTED). The Clerk will report the amendment.

The Clerk read as follows:

In line 18, section 59, strike out the word "willfully;" in line 21, strike out the word "willfully," and in line 23 strike out the word "willfully."

Mr. MONDELL. Mr. Chairman, if I understand the gentleman from Missouri correctly, he proposes to strike out the word "willfully" wherever it occurs in section 59.

I want to call the gentleman's attention and the attention of the committee to the fact that it is possible to destroy these corners, particularly witness trees, without doing so willfully, and it seems to me somewhat questionable whether it is proper to strike out these words in the statute. We certainly do not desire to have anyone prosecuted under this statute for committing an act prohibited by it if it is not done willfully. We can readily understand how a witness tree might be cut down or any corner removed without intending to do so.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. STAFFORD. By the insertion of the word "willfully" will not persons be less inclined to regard these marked trees and be more ruthless in the destruction of these witness trees? Does not the mere fact that the law places the burden upon the person to prove that there was no criminal intent tend to a better observance of the law?

Mr. MONDELL. As I understand, the original statute contains words equivalent to this.

Mr. MOON of Pennsylvania. No, the gentleman is mistaken. I will state that the committee put the words in and the original statute does not contain the word "willfully." Our committee was actuated by the thought so well expressed by the gentleman from Wyoming, that these acts might be done innocently, and it was not the policy of the law to punish a man for things that might be so easily done in an innocent way.

Mr. MONDELL. It occurs to me that the words are properly inserted, even though they might not occur in the original statute. I think it will be readily understood that the destruction of one of these corners, the cutting of witness trees, might be done innocently.

Mr. HARDY. Is it not a universal principle that no crime can be committed without an intent? If the word "knowingly" was put in here, it might be acceptable and certainly would not be objectionable.

Mr. WILLIAMS. Mr. Chairman, there is no legal difference between the word "knowingly" and "willfully." If a man had a section of land and the Government owned a section next to it and witness trees, as they are called in this act, that is, trees blazed with the Government's mark are there, and he goes to clear his own section of land of a survey that was made years ago and the trees grown up and the bark grown around the mark of the Government, S, one-fourth, or whatever it might be, he might very innocently cut down a tree that he himself afterwards would have given hundreds of dollars to have retained for his own purpose, and to punish a man that has innocently done that as if he had committed a crime it seems to me to be unreasonable. There ought to be the word "willfully" or "knowingly" or some other word meaning the same thing inserted here. There can be no crime without an intent to commit a crime, or at any rate there ought not to be in any matter of this sort.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Now, Mr. Chairman, I move to strike out the word "willfully" in line 18, section 59.

The Clerk read as follows:

Strike out the word "willfully" in line 18, section 59, page 31.

Mr. DE ARMOND. Mr. Chairman, the suggestion was made a moment ago that one might cut down a witness tree without knowing that it was a witness tree, or he might cut down a tree that had been blazed without knowing that it had been blazed by the Government, or that in process of time the marks might disappear or be very obscure. That does not apply, I take it, to this provision in the first part of the section that whoever shall willfully destroy, deface, change, or move to another place any section corner, quarter section corner, or meander post on any Government line of survey, etc.

Now, no person need remove any of these stones that mark section corners or quarter-section corners or these meander posts without being conscious of what he is doing. I concede that one might cut down a witness tree or a tree having certain Government hieroglyphics on it and might be innocent of the fact he was cutting down such a tree, because time may have effaced or so obscured the marks that reasonable observation would not be sufficient to disclose them. But when it comes to destroying, defacing, changing, or removing to any other place the large rocks peculiarly shaped and easily distinguished from others in the neighborhood, put there by Government surveyors for the very purpose of marking corners, the person who does that knows he is doing what he ought not to do; and to require further in order to convict him of the offense of which he is guilty, you require affirmatively that the act was done willfully. Instead of protecting the innocent it is in effect shielding the guilty. Whatever might be said as to the amendment when it reaches the witness tree, it seems to me there ought to be no good ground of opposition to striking out this word "willfully" where I have moved to strike it out.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

The question was taken, and on a division (demanded by Mr. DE ARMOND) there were—ayes 17, noes 48.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the word "willfully" where it first occurs, and insert in place of it the word "unlawfully."

The CHAIRMAN. The clerk will report the amendment.

The clerk read as follows:

In line 18, section 59, strike out the word "willfully" and insert in lieu thereof the word "unlawfully."

Mr. DE ARMOND. Mr. Chairman, it seems to me that the effect of the change which the Commission has made will be, especially in the public land States, that there will be additional facilities afforded those who are violators of the land laws to violate them with the promise of impunity. The case of the person who does some of the things denounced here and does it innocently or ignorantly is the rare and exceptional case, and while I would by no means do anything which would put him in trouble, or refrain from doing anything reasonable which might spare him the trouble, I do not believe there ought to be such tender care of that theoretic and imaginary case as to make it easy, or easier, for people to violate the land laws of the United States; because I think it is a notorious fact that those laws have been and that they are now violated quite frequently and upon a large scale. This is my individual opinion. It is a matter of no personal concern to me, and I do not care about detaining the committee about it, but it seems to me that the amendment ought to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 69. Whoever, being engaged in the importation into the United States of any goods, wares, or merchandise, or being interested as principal, clerk, or agent in the entry of any goods, wares, or merchandise, shall at any time make, or offer to make, to any officer of the revenue, any gratuity or present of money or other thing of value, shall be fined not more than $5,000 or imprisonment not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I desire to call the attention of the committee to what seems to have been an oversight. We do not find in here the word "knowingly," or "willfully," or anything of the kind. Now, according to the philosophy ap-

plied to the land section a little time ago, there would be such a thing as offering or making a gift to a revenue officer of the United States, although the person offering it did not know that man to be a revenue officer at the time. I have no amendment to offer on that subject. I merely call the attention of the committee to the fact that the same degree of vigilance that guarded and cared for the supposedly innocent man that takes up and carries away the great stones put down by the Government to mark sections and quarter-section corners does not apply when we come to this gift provided for in section 69.

The CHAIRMAN. The Chair understands the gentleman to move to strike out the last word?

Mr. DE ARMOND. Yes.

Mr. MOON of Pennsylvania. I understand that there is no motion before the committee.

The CHAIRMAN. The gentleman from Missouri makes the pro forma amendment.

Mr. DE ARMOND. I was curious to know, Mr. Chairman, what reason actuates the gentlemen in leaving this so vague. This section does not say any revenue officer, "knowing him to be such;" it does not say "knowingly, corruptly, with bad intent," or anything of the kind. Under this section, literally construed, if a man in any way interested in any importation were to present so much as a cigar, or offer so much as a cigar, to one who turned out to be a revenue officer of the United States, he would come within the provisions of the section.

Mr. HOUSTON. In reply to the gentleman from Missouri, I will say that it does not appear at all necessary to insert the words "knowingly" and "willfully" in this section, because if a man "shall at any time make or offer to make to any officer of the revenue any gratuity or present of money or other thing of value" it must be necessarily done knowingly and willfully. It could not be done in any other way, and, besides, it is the policy of the Government to take all the precautions and pains to prevent the evasion of revenue laws of this kind, and anything done in connection with this section here would necessarily be willfully and knowingly.

Mr. DE ARMOND. How about knowing who the person is? The present to Mr. A., who turns out to be an officer, is not necessarily a present to Mr. A. as an officer.

Mr. HOUSTON. My reply to that would be this: That a man would much more readily know, and there would be no difficulty in knowing, who a revenue officer was. This would be such a position, and such a person as he would be usually known to men who came in contact with him.

Mr. DE ARMOND. I submit to the gentleman this: That a revenue officer from New York might be in New Orleans and, under the provisions of this section, there might be presented or offered to be presented to him there a cigar, which act would fall within the provisions of this law. Now, I do not say a present there would be held to be a violation of this law. What I am saying is, the same degree of effort to protect the innocent man who takes up a Government landmark weighing several hundred pounds has not been presented in looking after this. Now, the gentleman is proceeding on the theory that the present is made to the officer who is at the place of his duties, where his insignia of office and personality are well known to everybody, but it does not say that. He is described as a person who is an officer, but it does not say about being in the discharge of his official duties; it is a broad, sweeping statement. Now, it seems to me, if there is to be care about guarding the possible innocent offender at the risk of allowing the certainly guilty to escape in a good many instances, that the same vigilance and care has not been exercised here.

Mr. HOUSTON. Now, Mr. Chairman, the difference between the two is very great. It is a very natural mistake a man could make in destroying a tree. He might destroy a hundred trees unknowingly and be guilty of no offense, and some of them might happen to be trees such as have been forbidden to be injured under a section heretofore passed. In the other case, I think it is much more easy to understand who the revenue officer is, and there is no likelihood of committing the offense defined unknowingly.

Mr. DE ARMOND. The section to which the gentleman refers has in it trees, but it has in it a whole lot of other things. Now, I will ask the gentleman whether he thinks it is at all probable a man is as likely to remove one of these large and peculiarly shaped stones which mark the Government corners throughout the country as anything else?

Mr. HOUSTON. I think a man would be much more likely to fail to recognize a tree or stone than he would fail to recognize a man and officer.

The CHAIRMAN. Without objection the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 73. Whoever shall dispossess or rescue, or attempt to dispossess or rescue, any property taken or detained by any officer or other person under the authority of any revenue law of the United States, or shall aid or assist therein, shall be fined not more than $300 and imprisoned not more than one year.

Mr. DE ARMOND. Mr. Chairman, I move to strike out the last word. I would like to call attention to that section. Now the question of intention is entirely left out of that. It says:

Whoever shall dispossess or rescue, or attempt to dispossess or rescue, any property taken or detained by any officer or other person under the authority of any revenue law of the United States, or shall aid or assist therein, shall be fined not more than $300 and imprisoned for not more than one year.

The question of knowledge is left out of that, and you take in the "other person." There may be a person having possession of some property taken under the revenue laws or assumed to have been taken under the revenue laws, and a State officer executing a writ issued by a State court may take that property or attempt to take it and under the provisions of this law be amenable to the penalty that is affixed, without having any evil intention or any knowledge that he is violating this section, not knowing that the property had been seized by one authorized to seize it, or that the person who had it is a revenue officer or agent, or a substitute for a revenue officer.

Mr. HARDY. I wish to say that I think every criminal statute should have in it the element of knowledge of violation of the law. I believe that section 69 ought to have had the amendment suggested by the gentleman from Missouri [Mr. DE ARMOND], and I think this section we are now considering ought to have an amendment which would require the element of knowledge before there could be a guilt upon the part of any person. I notice the intervening sections have the word "knowingly," and I offer the amendment to insert the word "knowingly" in this section, and if by unanimous consent I can return to section 69 I believe the gentleman on the other side would be willing to require that any person giving any small present to a revenue officer should at least know that he was a revenue officer. Persons engaged in the importation of goods may run across revenue officers without knowing they are such, and yet innocently give them something of value. It does seem to me that in all crimes the great element is consciousness of crime, and unconsciousness of crime is never consistent with guilt. If there is no objection, I ask to return to section 69 and insert the word "knowingly."

Mr. MOON of Pennsylvania. Mr. Chairman, I object.

Mr. HARDY. As there is objection, I ask that the word "knowingly" be inserted in section 73.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 73, insert the word "knowingly" before the word "dispossess" in line 23.

Mr. MOON of Pennsylvania. Mr. Chairman, it is perfectly apparent, I think, to one who reads these statutes that sections 71 and 72 require the word "knowingly." Those provisions relate to men engaged in effecting the entry of goods—foreign goods—into this country in the pursuance of their business. Now, in order to make a false entry a man must knowingly do it. In the second place, that provision relates to an agent who is constantly making invoices. That is his business. Therefore, in order to make him responsible or liable under the law he must knowingly make false entries. But it is no man's business to dispossess and rescue goods in the possession of a Government officer. And it seems to me it is not essential that the word "knowingly" should be there.

Mr. WEBB. May I ask the gentleman a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. WEBB. I had this experience sometime ago: A revenue officer captured a horse and buggy and arrested the man who was driving it, because he suspected he had blockade whisky in his buggy, and he found three or four jugs which were empty. He seized the horse and buggy and carried it to a livery stable in a small town and put it in charge of a liveryman, and told him, "Keep this as my property as an officer." The owner of the property went to the county seat and took out claim delivery papers, gave bond, and the clerk of the court directed the sheriff to go down and take that property away from the liveryman. He did it. Under this section that clerk and that sheriff are guilty of an offense against the laws of the United States. Do you not think that the word "willfully" ought to be put in there to protect a case of that sort?

Mr. MOON of Pennsylvania. In the first place, I do not think it would be if it was done under the laws of the State.

Mr. DE ARMOND. Why do you not put that in?

Mr. MOON of Pennsylvania. I do not think it is essential

to put it in there. The statute, on the reading of it, shows it must be an attempt on the part of an individual to dispossess an officer of the Government of property in his possession. Now, the title to that property—the fact of whether he wrongfully took it or not—ought not to make any difference as to the infliction of a punishment on a man who undertakes illegally to dispose of it.

Mr. WEBB. I am glad to hear the gentleman's explanation of the fact about the section, but the section reads "whoever." That means anybody, under any authority, under any circumstances, by whomsoever directed. Any judicial officer of the State who orders the sheriff to dispossess a revenue officer of property, whether legally or illegally taken, would be subject to this penalty. Revenue officers sometimes do take it illegally. Under those circumstances, the clerk and sheriff would be indictable and you could put them in stripes, put them in the penitentiary, under this section. It is a vicious section, and the word "willfully" ought to be put in there to protect the judicial and executive officers of our States.

I move to amend by inserting after the word "shall," in line 22, the word "willfully."

This is not a partisan amendment. It happens to be introduced by a Democrat, but I hope you will not line up and vote against it because it was introduced by a Member on this side of the House.

The officers of the State, who do their duty under a State law, ought to be protected. I have given you a concrete case where there would be a serious abuse of this statute if it were invoked.

The CHAIRMAN. The Chair will state to the gentleman from North Carolina that the amendment of the gentleman from Texas [Mr. HARDY] is pending.

Mr. WEBB. I did not know that, Mr. Chairman, and I withdraw my amendment for the present.

Mr. DE ARMOND. Mr. Chairman, the case cited by the gentleman from North Carolina [Mr. WEBB] not only shows what might occur under this section, but it shows what actually did occur under it in the very kind of case covered by this section.

Now, the gentleman from Pennsylvania [Mr. MOON], attempting to answer the gentleman from North Carolina [Mr. WEBB] in a matter that is unanswerable, said he did not think it applied where the person attempting to dispossess was acting under a State law. The gentleman expressed his judgment, no doubt, but the language of the statute does not differentiate, as was well said by the gentleman from North Carolina. It says "whoever." It does not say "whoever without the authority of State law" or "State warrant," or other limitation, but "whoever." It does not make any difference according to the phraseology here whether the act be done knowingly, willfully, or accidentally.

Now, if the gentleman wishes to contend that if somebody innocently or ignorantly should attempt to do the prohibited thing, he would not be punished under this section, then, for the safety and protection of a person so situated, who might be brought before a judge who entertained a different opinion, why not, for the sake of justice and propriety, put in some suitable qualifying word? The gentleman from Pennsylvania, forsooth, thinks that if a man had a warrant or writ of some kind from some State court, he would be exempt from the penalties prescribed by this section; and yet he is not willing to put in any qualification of that kind. It does seem to me singular, indeed, that in some of these sections words like "willfully" are incorporated into old laws that have worked very well, and in other cases proper and necessary qualifying words must be left out, because some gentleman thinks that maybe if a case were to arise where the application of the law would be a hardship or a wrong, somebody in dealing with it would do, without the law, what he is unwilling to do in the law and with the law.

Mr. HARDY. Mr. Chairman, I rise for the purpose of accepting the amendment of the gentleman from North Carolina [Mr. WEBB].

I wish to say that when the gentleman from Missouri [Mr. DE ARMOND] offered a motion to strike out the word "knowingly" (although it was offered from the Democratic side), in reference to a prior offense, the word having been inserted by this committee and properly so, I voted against the motion to strike out, because I did not believe that any citizen of the United States ought, under any possibility, ever be convicted of a crime for an act committed in conscious innocence, or in ignorance of the fact that he was violating the law.

I believe that every crime ought to be accompanied by a criminal intent, and that no law ought to be so framed that an innocent man might be gathered within its meshes and legally convicted of an offense when he was innocent of all criminal intent. I think section 69 and section 73 ought each to have the word "willfully" or "knowingly" before the naked act.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Texas [Mr. HARDY] will be considered as withdrawn, and the question taken on the motion on the amendment of the gentleman from North Carolina.

Mr. MOON of Pennsylvania. Mr. Chairman, in the statement of the gentleman who has just taken his seat I thoroughly concur, that no man ought to be caught in the meshes of the law by a mistake, much less by a trap or a trick; but I think, if gentlemen will examine this law, they will find that no man needs the safeguard of the word "willfully." Now, the condition presented in this section is, first, that goods are in the hands of a revenue officer. They are in the hands of a United States official, and the section makes it a criminal offense for a man to rescue or dispossess him of those goods.

Now, there is under the law a perfectly plain way pointed out where by legal procedure a man may obtain possession of them, and a man is always protected in obtaining his right through a process of court. He could not willfully dispossess or rescue these goods without knowing it, and if he does it and asserts his legal right to the possession of the goods, he can not be liable under the section, and, therefore, it seems to me the word "willfully" is unnecessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. WEBB) there were—ayes 37, noes 64.

So the amendment was lost.

Mr. HARDY. Now, Mr. Chairman, I wish to renew the motion I made to insert the word "knowingly" where the word "willfully" was offered.

The Clerk read as follows:

In line 23, page 36, after the word "whoever," insert the word "knowingly."

Mr. DE ARMOND. Mr. Chairman, what objection can there be to inserting that word? Would the gentleman who stands sponsor for this sacred report, which can only be touched when "its friends" wish to touch it, would the gentleman contend that "knowingly" is involved or implied in it, or is it not? If it is, there can be no harm done in expressing it. If it is not, then a person can be guilty without knowing it, in full innocence, and without intending any criminal act in what he does. It must be one of two things, is it in there by implication or is it not? If you are unwilling to put it in and it is not there, a man may be convicted under the section for doing that which he does without any knowledge at all that the person who holds the articles is an officer or the custodian of an officer. That is all I have to say about it.

Mr. WILSON of Pennsylvania. Mr. Chairman, I do not believe that the insertion of the word "willfully" or the word "knowingly" at this particular point would cover the necessities of the case. Consequently I have been opposed to both amendments. I do believe that some qualification should be included at that point, and I believe there should be inserted in line 23, after the word "whoever," the words "without warrant of law." I shall at the proper time offer an amendment to that effect.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. HARDY].

The question was taken, and the amendment was rejected.

Mr. WILSON of Pennsylvania. Now, Mr. Chairman, I move, in line 23, after the word "whoever," to insert the words "without warrant of law."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 36, line 23, after the word "whoever," insert the words "without warrant of law."

Mr. FLOYD. Mr. Chairman, I move to amend the amendment by inserting the word "authority" instead of the word "warrant."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Insert the word "authority" instead of the word "warrant," so that it will read "without authority of law."

The CHAIRMAN. The question is on the amendment offered to the amendment.

The question was taken, and the amendemnt to the amendment was rejected.

The question was then taken on the amendment, and on a division (demanded by Mr. WEBB) there were—ayes 27, noes 54.

So the amendment was rejected.

Mr. FLOYD. Mr. Chairman, I move to amend by inserting in line 23, after the word "shall," the words "without authority of law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 23, after the word "shall," insert the words "without authority of law."

Mr. MOON of Pennsylvania. Mr. Chairman, I rise to a point of order. The committee has just voted on exactly similar language.

The CHAIRMAN. It seems to the Chair that the amendment offered by the gentleman from Arkansas to the amendment of the gentleman from Pennsylvania [Mr. WILSON] was the identical amendment that he now offers.

Mr. FLOYD. I would like to be heard a moment on the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. FLOYD. Mr. Chairman, the gentleman from Pennsylvania [Mr. WILSON] offered an amendment consisting of the words "without warrant of law." I offered to amend his amendment by inserting the word "authority" instead of the word "warrant." The propositions were voted on separately, and they came before the committee as two distinct propositions. My proposition is to insert the words "without authority of law" after the word "shall," and I would like some gentleman to explain—some gentleman of the committee—why it is that they object to dispossessing these revenue officers of property by authority of law.

Mr. MOON of Pennsylvania. I understand, Mr. Chairman, that the point of order is under discussion.

The CHAIRMAN. Yes. The Chair now understands that the amendment of the gentleman from Arkansas [Mr. FLOYD] is offered in a different place from that which he offered before. It seems, therefore, to the Chair that it is a different amendment. The Chair overrules the point of order.

Mr. FLOYD. I would like to be heard briefly upon the amendment.

The CHAIRMAN. The Chair will recognize the gentleman upon his amendment.

Mr. FLOYD. Mr. Chairman, I desire to say that in offering this amendment I do it to perfect the bill and to correct evils in existing law. In my own State a few years ago there was a Government agent, a timber inspector, who seized large quantities of timber, which were floated down the White River on rafts, alleging that it belonged to the Government. He seized the people's property, and finally it got into the Federal courts, and it was held to be without authority of law, but the timber had been sold by the Government and disposed of, and many of the people whose timber was lost by this means suffered a financial loss incident to the taking of that timber. I am unable to conceive what objection any reasonable man would have to saying that one of these revenue officers could not be dispossessed of property that he had seized by authority of law. That is the effect of my amendment. The effect of the amendment is simply to provide that no one shall dispossess any one of these officers of property seized without authority of law, and if he has authority of law to dispossess the party I am unable to conceive on what theory objection is offered to this amendment.

Mr. MOON of Pennsylvania. Mr. Chairman, in effect the amendment offered by the gentleman is to say that whatever a man does lawfully shall not be unlawfuly done. If he does it in pursuance of law, he shall not be prosecuted for it. It is perfectly apparent to me and, I think, to every gentleman on the floor of this House that no such provision is necessary to protect any man. No criminal law of the land, no criminal law of the United States, can make it a penal offense for a man to pursue his legal rights in the courts. The object of this is to protect the forceful rescue or dispossession without legal color. I therefore oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and on a division (demanded by Mr. FLOYD) there were—ayes 30, noes 46.

So the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the chairman of this committee for the purpose of information one question: Why is it that in line 2 on page 37 the language is "shall be fined not more than $300 and imprisoned?" Why is the word "and" used instead of the word "or," as is the case in section 1 and in section 70 and in divers other sections? Why is a fine and imprisonment made the penalty in those two sections rather than in the alternative?

Mr. MOON of Pennsylvania. I will say in answer to the gentleman that in existing law—and there seems to be a policy of the Government, and it is a wise policy—that in certain offenses some imprisonment must be inflicted, while in others it is discretionary with the courts to give an alternative punishment. All the way through these sections, if the gentleman will examine them, this principle arises and he will find upon examination that it is controlled by the character of the offense. It is existing law and the committee so left it.

Mr. GOLDFOGLE. Mr. Chairman, I will ask the chairman of the committee whether he does not believe the discretion to impose fine or imprisonment may safely be vested in the judge presiding at the trial?

Mr. MOON of Pennsylvania. The gentleman is asking me the question? It is the policy of our lawmakers. I will say in reply to the gentleman, to decide in the formation of the law itself, that certain offenses must be punished by an imprisonment, and the gentleman will observe that the system recommended by the committee of prescribing maximum punishment only and leaving the minimum to the discretion of the judge will enable the judge in the exercise of mercy to cure all such defects. We did not change what appeared to be the established policy of the law in regard to imprisonment for some offenses. It may possibly be true if we were making the law there might be reasons which would appeal to us, but we did not alter existing law except where there was absolute reason for it.

Mr. GOLDFOGLE. Mr. Chairman, is there an amendment pending now?

The CHAIRMAN. There is not.

Mr. GOLDFOGLE. Mr. Chairman, I move to amend by striking out the word "and" in the second line on page 37 and inserting in lieu thereof the word "or."

The CHAIRMAN. The gentleman from New York moves to amend by striking out the word "and" in line 2, page 37, and inserting in lieu thereof the word "or."

Mr. GOLDFOGLE. Mr. Chairman, the gentleman from Pennsylvania told us that his committee had not attempted to change the policy of the law as it appeared in existing statutes where both fine and imprisonment were provided as penalities for offenses. It seems to me that this particular section is one under which an indictment may be found against someone who without right dispossesses an officer from property or without right rescues property from an officer, but under such circumstances of mitigation as to require in fairness, in justice, and in mercy the imposition of only a fine. We can readily conceive of many cases where imprisonment, however brief, would operate most grievously on one who in the judgment of the judge ought not to be imprisoned for even an hour, save for failing to pay a fine imposed on him. In such a case the statute should leave the judge the fullest discretion to impose either fine or imprisonment. To the judge such discretion could safely be intrusted.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman if the word is used conjunctively here? Does he use the word conjunctively, or should the word "or" be substituted; then it would be in the discretion of the court——

Mr. GOLDFOGLE. Certainly; that would be the effect of my amendment. Now, I know of cases in which judges from the bench said they regretted very much that the Federal statute required imprisonment as well as fine, because, however much they thought a fine was an adequate penalty, the law left no alternative, and I have heard some judges say when called upon to impose the sentence of the court that if it had been in their power there would have been but a fine imposed for the offense of which the offenders stood convicted. Now, such cases arise frequently and when judges who are fair, who believe in the maintenance of law and order, who stand for the conservation of the public peace say from the bench that they regret that power does not reside in them to impose either fine or imprisonment, I believe that we, as a legislative body, ought to guard against such cases, and provide for the judicial exercise of a fair discretion.

I know of no judge at the present time who we may fear to exercise in a proper way such a discretion as my amendment would give. There are some cases, I will repeat, Mr. Chairman, in which no imprisonment ought to be imposed. There are some cases falling under this very statute where an employee—where one who is told to commit an act of dispossession, but who does it without willfullness or malice—ought not to be imprisoned even for a day, but where a fine of fifty or a hundred or two hundred dollars would be adequate punishment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GOLDFOGLE. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from New York asks

unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Now, Mr. Chairman, I believe we may safely intrust to our Federal judiciary the discretion which the amendment contemplates. It seems to me that that mercy with which justice should ever be tempered can be the better extended when the judge has it in his power to extend it. And to that end I ask the adoption of the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman in charge of the bill if this section does not require both fine and imprisonment?

Mr. MOON of Pennsylvania. It does.

Mr. GAINES of Tennessee. It leaves nothing to the discretion of the court?

Mr. MOON of Pennsylvania. Except the amount of the fine or the time of the imprisonment. You can make it one hour or one dollar.

Mr. GAINES of Tennessee. I notice in section 71, you use the language "shall be fined not more than $5,000 or imprisoned not more than two years, or both." You use the word "or." Now, in section 73, which we are considering, you use these words, "shall be fined not more than $300 and imprisoned not more than one year." Now, that makes it absolutely compulsory that he be both imprisoned and fined.

Mr. GOLDFOGLE. Mr. Chairman, does not the gentleman from Tennessee [Mr. GAINES] also recognize the fact that the offense provided for in section 71, where the discretion to impose either fine or imprisonment is given, is much graver than the offense specified in section 73, where there is no discretion given?

Mr. GAINES of Tennessee. Of course it is. I will read section 71:

Whoever, by any means whatever, shall knowingly—

Note the word "knowingly" now—

effect or aid in effecting any entry of goods, wares, or merchandise at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally thereon, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

Now, here in that section, referring to the tariff, referring to the duty on imports, if he "knowingly" effects an entry undervaluing the imported article he shall be fined $5,000 or be imprisoned, or both; but in section 73, which we are considering, that comes under our revenue laws. There is no discretion, and it imposes both fine and imprisonment. It looks to me that either the Congress that made that law or the gentleman who reported this here were not treating the two classes of society right. In the one instance it is the importer, the educated man, the man of means, the man who knows his business, and if he "knowingly" does wrong it is left to the discretion of the court as to whether he shall be fined or imprisoned, whereas under the internal-revenue laws no discretion is given the court, although the accused may not be a man of education or a man who does not know the law, or makes a little wild-cat whisky to sell for necessaries of life, or the accused may be some poor woman who lives way up, I may add, in the mountains of Tennessee, whence came in 1815 some of those magnificent soldiers who fought the battle of New Orleans. Mr. Chairman, if one of those soldiers or one of their wives or daughters——

Mr. PAYNE. Are those old soldiers making moonshine whisky? [Laughter.]

Mr. GAINES of Tennessee. They fought the English by the moonshine, starlight, and sunshine——

Mr. PAYNE. Are they making moonshine whisky now?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, seriously speaking, gentlemen, you are punishing a lot of people—and I state that as a fact—who may ignorantly disobey the revenue laws, who go and follow an officer and try to take away from him their last bed, the last rag to cover their backs, and the last little bit of a machine used in making moonshine whisky—the only thing in the world they can make to sell—sell it for something to eat and wear. You people that live away up here in the sunshine only, away from where we have moonshine and sunshine, know nothing about the privations of those people, those mountaineers. Why, my friend from Georgia knows I am telling the facts, and yet, gentlemen, you are letting off a man rich in money, rich in position, rich in information, "in the discretion of the court," who knowingly does wrong as to the tariff, while the poor and ignorant man is to be fined, and he is also bound to be imprisoned, forsooth, because he has ignorantly disobeyed the revenue laws.

Mr. PAYNE. Does the gentleman move to strike out the section?

Mr. GAINES of Tennessee. No. Insert the word "or," as proposed, is the proposed amendment.

My distinguished friend, the gentleman's colleague from New York [Mr. GOLDFOGLE], a man who as judge has administered the law, doubtless many a time has been glad to find a little disjunctive "or," so that he could temper the ravages, you might say, of the law with some mercy from his heart and head. Doubtless that is what has led him to object to this language of the section.

Now, gentlemen, I say to you and I say it seriously, that you have unwittingly and have unintentionally overlooked the poor, ignorant people whom you are bound to punish. This hard law says this to Judge Clark or Judge McCall, of Tennessee: "You have no discretion to temper justice with mercy with the ignorant people who live down in your districts. Fine and imprisonment, without variation, is the law."

I say, gentlemen, in the name of justice, in the name of these people who, not knowingly like the importer, but who unwittingly may disobey the law in trying to get back the last little bit of property that they have, that they think a hard Government has taken away from them, we should use the disjunctive "or" and strike out the mandatory and oppressive "and," which provides both fine and imprisonment, sure.

Mr. MOON of Pennsylvania. Mr. Chairman, let us get back from the mountains of Tennessee into this section. It is apparent to all who read it that this section contains the conjunction "and," that fine and imprisonment have been imposed, because this section punishes an assault upon a public officer. That is all the statement I desire to make, and I ask for a vote.

Mr. GAINES of Tennessee. But when a man assaults the tariff law, assaults the treasury that runs the Government, you let him "off in the discretion of the court."

Mr. MOON of Pennsylvania. Vote!

The question being taken on the amendment of Mr. GOLDFOGLE, on a division (demanded by Mr. Mr. GAINES of Tennessee) there were—ayes 43, noes 54.

Accordingly, the amendment was rejected.

The Clerk read as follows:

SEC. 75. Whoever shall falsely make, alter, forge, or counterfeit any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any law of Congress, or any certificate or duplicate certificate of location of any military bounty-land warrant, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate or duplicate certificate of the purchase of any of the lands of the United States, or any receipt or duplicate receipt for the purchase money of any of the lands of the United States, issued or purporting to have been issued by the register and receiver at any land office of the United States or by either of them; or whoever shall utter, publish, or pass as true, any such false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate or duplicate certificate of location, certificate or duplicate certificate of purchase, receipt or duplicate receipt for the purchase money of any of the lands of the United States, knowing the same to be false, forged, or counterfeited, shall be imprisoned not more than ten years.

Mr. GOLDFOGLE. I ask unanimous consent of the committee that we may go back to section 74. I desire to offer an amendment.

The CHAIRMAN. The gentleman asks unanimous consent that the committee return to section 74.

Mr. MOON of Pennsylvania. Mr. Chairman, I must object.

The CHAIRMAN. Objection is heard.

Mr. GOLDFOGLE. Mr. Chairman, for the purpose of bringing up the question I desired to raise under section 74, I now move to strike out the word "ten," in line 17, page 38, and to insert the word "five."

The CHAIRMAN. The gentleman moves to strike out the word "ten," in line 17, page 38, and to insert the word "five."

Mr. GOLDFOGLE. I offer this amendment only for the purpose of bringing up a matter I would have brought up had the gentleman from Pennsylvania not objected to giving unanimous consent to go back to section 74.

I would ask the gentleman from Pennsylvania whether it is a worse offense to forge the instruments referred to in section 75 than to forge the instruments referred to in section 74? The man who willfully forges the official documents referred to in section 74, who knowingly and fraudulently utters a forged sea letter, a forged certificate of ownership, a forged certificate of enrollment, a forged certificate of registry, is guilty of as great a crime as the man who forges the documents referred to in section 75. Yet I am surprised to find that the committee intrusted with the revision of the laws provides in the one case for an imprisonment of but three years and in the other cases

for an imprisonment of ten years. While I concede that ten years is very properly made the maximum of punishment——

Mr. PAYNE. May I ask my colleague a question?

Mr. GOLDFOGLE. Yes.

Mr. PAYNE. Do I understand my colleague to believe that anybody can forge a paper without knowingly doing it?

Mr. GOLDFOGLE. Who said that?

Mr. PAYNE. As I understand it, the gentleman wants the word "willfully" inserted in the section.

Mr. GOLDFOGLE. Oh, no; the gentleman is in error, and could not have heard me—certainly did not understand me.

Mr. PAYNE. The gentleman wishes to reduce the penalty, then.

Mr. GOLDFOGLE. The gentleman again misunderstands me. I said that the only purpose I had in offering the amendment was to bring up a matter that I would have presented had the gentleman from Pennsylvania not objected to giving unanimous consent.

Mr. PAYNE. What did the gentleman wish to bring up on section 74?

Mr. GOLDFOGLE. I believe the committee was right in fixing the maximum punishment provided in section 75 at ten years. Yet for as grave an offense set forth in section 75 the maximum is much less. Just such inconsistencies run through the bill, and to show some of these inconsistencies and secure some harmony in the quantity of punishment, I desired to offer an amendment to section 74. But objection was made, and it can not now be done. I withdraw the pending amendment.

The CHAIRMAN. The Clerk will proceed.

The Clerk read as follows:

SEC. 76. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Mr. GOLDFOGLE. I move to strike out the word "or" in line 24 and to insert in lieu thereof the word "and."

The CHAIRMAN. The gentleman moves to strike out the word "or" in line 24 of section 76 and to insert the word "and."

Mr. GOLDFOGLE. Mr. Chairman, the gentleman from Pennsylvania, who has done a great deal of laborious and creditable work in revising the penal laws and who has ably and elaborately prepared the report, will, I hope, recognize the fact that if it is proper to impose both fine and imprisonment for the rescue of property from a revenue officer, it is all the more necessary to impose both fine and imprisonment for the graver offense provided for in the section now under consideration.

I know of no reason why a heavy fine and imprisonment is to be imposed upon one who, without malicious intent, rescues property from an officer or dispossesses him of property with which he has been by law intrusted, while an individual guilty of the grave and heinous crime of forgery may be either fined or imprisoned, in the discretion of the court. Why do you not compel the judge to both fine and imprison the forger as well as you compel him to both fine and imprison the individual who either dispossesses property from an officer or attempts its rescue? Why do you say "or" in one case and "and" in the other? Why do you not also compel the judge to impose a fine and imprisonment upon the man who commits a willful, deliberate forgery?

Mr. MOON of Pennsylvania. Mr. Chairman, the reason why this committee did not alter this section of existing law was, first, this is a law passed at the last session of Congress.

Mr. GOLDFOGLE. But we are revising the laws.

Mr. MOON of Pennsylvania. We are codifying the laws, and it is not the purpose of this committee to substitute its judgment for the judgment of Congress, as expressed in a carefully prepared bill at the last session. Now, in the second place, the policy of the lawmakers is perfectly apparent, in my judgment. In this case it says that the man who forges or the man who assists in the forgery. Therefore the alternative punishments are permitted; and the character of the offense is a different one from that in the preceding section. But because of the solemn enactment at the last session of Congress our committee, under the form of revision, did not feel justified in altering it.

Mr. GOLDFOGLE. Is it any less solemn now than it was at the last session? Are we legislating less solemnly, less deliberately, now than we were then? Ought we to say that because some other Congress failed to provide properly for an adequate punishment we should follow in the footsteps of that other Congress? We are here—at least we are supposed to be here—to legislate. That at least ought to be done in a careful, cautious, judicious, and deliberate manner. Why does the Committee on Revision of the Laws persist in saying that because one Congress did something we must do the same, while, when it suits their fancy or serves their purpose, they change and alter, modify and repeal existing provisions of law?

Mr. MOON of Pennsylvania. One word in reply.

Mr. GOLDFOGLE. Does not the title of the bill provide for codifying and revising and amending the law? Is not amendment contemplated by that very title? Why should we not amend when we find necessity for amendment?

Mr. MOON of Pennsylvania. It is not to correct the law. If the gentleman has the idea that at the present time Congress, under the form of revision, is reenacting all the criminal laws of the United States, his conception of it is different from mine. We conceive our duty to be to present a revision of existing law and not to change that law except for controlling reasons.

Mr. GOLDFOGLE. May I ask the gentleman whether his committee did not change many provisions of existing statutes? The report of the committee states that many of the provisions have been changed and altered. Will the gentleman say that he simply reported back to this House existing law without any change and without any amendment?

Mr. MOON of Pennsylvania. Does the gentleman want an answer?

Mr. GOLDFOGLE. Certainly.

Mr. MOON of Pennsylvania. We did change some laws. For instance, they have a law against breaking down a telegraph line, and we included telephone lines.

Mr. GOLDFOGLE. That was as well to protect the telephone company as the general public. Why do you not also guard the Government against forgery and provide for a reasonable certainty of severe punishment?

Mr. MOON of Pennsylvania. Because it was in line of existing law. The telephone was a new device after the telegraph, and that seemed to be employed as one of the agencies of the Government.

Mr. WATKINS. Mr. Chairman, discussion on this proposition has perhaps left the impression that there is no penalty of imprisonment attached to this offense. On the other hand, the statute says explicitly that they shall be fined $10,000 or imprisonment not more than ten years, or both. The penalty placing imprisonment in connection with the fine is in the statute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

SEC. 77. Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Mr. GOLDFOGLE. Mr. Chairman, I move to strike out the last word. I would like to ask the distinguished chairman of the Committee on the Revision of the Laws whether there is reason now for putting this in the conjunctive. If in the case of an offender against the revenue laws the punishment must be fine and imprisonment, why not provide that the forger of bank bills, the forger of money shall not be also both fined and imprisoned?

Mr. MOON of Pennsylvania. Mr. Chairman, this does not relate to bank bills at all. If the gentleman will read the section he will find it is only certificates of citizenship.

Mr. GOLDFOGLE. Oh! Certificates of citizenship—well, let us keep our citizenship pure. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 85. It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than $5,000; and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. HARDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 44, line 4, after the words "voted for," insert the following: "Or with any election at which State legislators are to be voted for who upon election shall have the right to elect a United States Senator."

Mr. HARDY. Mr. Chairman, the purpose of this section, as I understand it, is to prevent contributions by corporations for the purpose of subserving corporate interests in the election of public servants who will hold positions of power in the United States. It is provided that none of these corporations shall be allowed to contribute any money in the election of a United States Senator before the legislature, but it is not provided that they shall not be enabled to elect a legislature which shall elect a Senator of the United States. There may be some question as to whether or not the amendment I offer might not invade the province of State governments and State rights, and for that reason I hesitate to offer it, but the greatest purpose of the present day and time is to procure purity of political elections, and if a corporation may by the election of its servants in the legislatures of the States furnish all the money that is necessary to elect its own servitors as legislators and thereby elect its own representatives as United States Senators, the result is the same as if they had spent money in the legislature itself. The time has been reached when the great power in this Government may be money and not conscience, and I believe that it is as absolutely necessary to prevent the contribution by big corporations of money for the purpose of electing legislators who may elect Senators as it is to prevent the contribution of money directly in the election by the State legislatures. I make the amendment with a view to purification of the ballot box.

Mr. MOON of Pennsylvania. Mr. Chairman, I agree with every word that has been said by the gentleman on the other side. This committee did not, however, alter this law because, first, of some doubt about the constitutionality of that provision, and secondly, because the law in question was drawn by an eminent Democratic statesman and passed by Congress only last year, and this provision ought to be sent to a committee for careful consideration, and ought not to be adopted here on the floor of this House at this time. For these reasons, without replying to the validity of the gentleman's argument, I oppose the amendment.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would like to have the amendment again reported.

Without objection the amendment was again reported.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would call attention to the first part of the section. It seems to me that covers the very point that the gentleman from Texas [Mr. HARDY] is trying to cover by his amendment. It says "It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office." Now, the office to which the gentleman refers is certainly a political office, and the first part of the section covers the very thing that he wants to cover by his amendment. Therefore, I think the amendment is entirely unnecessary and should not be adopted.

Mr. BARTLETT of Georgia. Mr. Chairman, I voted for the bill, which is incorporated in this section, when it passed the House last Congress, and I regretted that it did not go further. I do not intend to vote for this amendment, and, not intending to vote for it, I desire briefly to give my reasons why I can not vote for it. We have in Georgia, and every State in the Union can pass a law similar, a law that prohibits the use of money both in the primary and in the general elections of members of the legislature and of all officers. I am unwilling, when I have stood here during the consideration of this bill, day after day, and insisted that the rights of the States to govern and control their own affairs be left to the States, to say that Congress can now pass a law and denounce as a crime something which occurs in any election where purely State officers are to be elected.

States are clothed with full power to protect their ballot boxes at an election of its members of its legislature to elect its Senators. We elect Senators in Georgia and in most of the States of the South at primary elections, and those primary elections, at least in Georgia, are guarded and protected by laws making it a crime—and a very serious crime—for anyone to contribute money, directly or indirectly, even in a primary election where elections are held for members of the legislature who will elect Senators from the States. I am not opposed, and do not wish to be so understood, to these various penalties that can be prescribed and inflicted upon those who would corrupt the electorate which has to do with the election of members of the legislature, or Members of Congress, or any officer from the highest to the lowest, but I occupy the position I have always occupied—that Congress has no right to interfere with the local elections of a State and pass statutes regulating or affecting purely State elections. Therefore I shall not vote for this amendment.

Mr. COCKRAN. Mr. Chairman, may I ask to have that amendment read?

The CHAIRMAN. Without objection the amendment will be reported by the Clerk.

The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. KIMBALL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out of lines 6 and 8 the words "a money contribution" and insert in lieu thereof the words "any contribution of money or other thing of value," so that the said section shall read, etc.

The CHAIRMAN. The amendment offered by the gentleman from Kentucky strikes out words which are not in the section and can not be received.

Mr. KIMBALL. I move to strike out the words "money contribution" wherever they occur.

The CHAIRMAN. The words "money contribution" are not in the bill.

Mr. MOON of Pennsylvania. Yes; they appear on the first line, page 44.

The CHAIRMAN. The gentleman from Kentucky has the wrong line.

Mr. SHERLEY. If the Chair will permit me, the Chair is reading from the bill. My colleague is reading from the report dealing with section 85. Now, if the Chair will look at the report he will find "money contribution" in lines 6 and 8, page 92. I understand the motion is to strike out those words and substitute the amendment offered.

The CHAIRMAN. The Chair suggests to the gentleman from Kentucky we are not dealing with the report, but dealing with the bill, and the amendment must conform to the bill, which is the official document, in the hands of the Clerk. The gentleman can correct the amendment to conform to the bill.

The Clerk read as follows:

Strike out of line 1, page 44, the words "a money contribution" and insert in lieu thereof the words "any contributions of money or other thing of value."

Mr. KIMBALL. Mr. Chairman, the section under consideration is reproduced from the most recent statute that we have had to consider during the discussion of the criminal code. It was adopted in January, 1907, by the Fifty-ninth Congress. It was doubtless called forth by the revelations of the investigation of the great insurance companies in the State of New York. I have no doubt that bill was passed for a sincere and worthy purpose, that it was the intention of Congress to prohibit corporations, whether they be national banks or other corporations, from contributing their assets to political contests. But under the section as it now stands it simply prohibits the contribution of money. I contend that it ought to be extended so as to include the contribution of any other thing of value. There is no difference in contributing to a political contest $10,000 in money or $10,000 in bonds that can be easily and readily converted into money. I have no argument to make upon this. It seems to me the amendment speaks for itself. The House, I assume is sincerely in favor of protecting the assets of corporations from being dissipated in this way. It is certainly our intention that they should not be allowed to spend money or any of their assets for the purpose of corrupting elections, therefore I think that the amendment ought to be adopted so that we can make clear and unmistakable the meaning of this section and make it efficient to the end for which it was originally enacted. [Applause.]

Mr. HOUSTON. Mr. Chairman, I want to say I can see no reason in the world why these contributions, forbidden by this section here, should be limited to money contributions. There are many other things of value, and I can not understand why it should have been put in that form at first, and I think the amendment offered by the gentleman from Kentucky [Mr. KIMBALL] is a good one. The offense and the crime would be just as great to contribute a farm, to give a manufacturing establishment, a storehouse, or anything else as it would to give it in money. Therefore I am heartily in favor of the amendment.

Mr. MOON of Pennsylvania. Mr. Chairman, as an original proposition I probably would not oppose it, but it is a new law. It was carefully considered by a committee of this House. It was weighed there and every provision was given due consideration. It came upon the floor of this House for discussion

only a year ago and was passed. Your committee therefore felt that they would not touch it, and therefore they reported it as they found it upon the statute books, and for that reason, in the line of principle adopted by this committee and heretofore sustained by this House, I oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. KIMBALL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. KIMBALL. Division, Mr. Chairman.

The committee divided, and there were—ayes 56, noes 54.

Mr. GOLDFOGLE and Mr. MOON of Pennsylvania demanded tellers.

Mr. HEFLIN. Mr. Chairman——

Mr. GOLDFOGLE. Mr. Chairman, I withdraw my request for tellers.

The CHAIRMAN. For what purpose does the gentleman from Alabama [Mr. HEFLIN] rise?

Mr. HEFLIN. I wish to have the Chair announce the vote again, please.

The CHAIRMAN. There were 56 votes in the affirmative and 54 in the negative.

Mr. MOON of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed the gentleman from Pennsylvania [Mr. MOON] and the gentleman from Kentucky [Mr. KIMBALL] as tellers.

The committee again divided, and the tellers announced—ayes 77, noes 91.

So the amendment was rejected.

Mr. COCKRAN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute word "and" for word "or" on line 10, page 14; word "ten" for word "one" on line 11, same page; and word "years" for word "year," same line and page, so that the whole shall read: "and imprisoned not more than ten years, or both."

Mr. COCKRAN. Mr. Chairman, it does seem to me that if this paragraph be enacted in its present form the penalty denounced against the offense is ridiculously disproportioned to its enormity. I have not attempted to amend the penalty inflicted on the offending corporation. So far as that is concerned, I think it may be left to the repressive measures as offered in nearly every State of the Union and by Congress against misappropriation of funds or embezzlement. But where an officer of a corporation, in addition to violating the law by misappropriating funds in his custody, uses the fruits of his crime to debauch or corrupt the franchise, an imprisonment of six seconds or a fine of six cents would be a ridiculous penalty. Yet imprisonment of six seconds or a fine of six cents may be all the penalty inflicted upon him.

Now, if we are to legislate for this offense at all, it does seem to me, Mr. Chairman, that prescribing a penalty of this character—the maximum penalty is but a thousand dollars, or imprisonment for one year, or both, these penalties not being cumulative but alternative—reduces this attempt to suppress that form of crime to the level of opera bouffe.

I have considered carefully, Mr. Chairman, the position which the committee have taken, and I must confess that it does little credit either to the judgment of the committee or to its regard for the judgment of this body. They introduce here a body of laws which they rather ambitiously describe as "a bill to revise, codify, and amend the penal code." Yet, when an attempt is made to amend the law as the committee proposes it, the gentleman does not consider the motion upon its merits, but he opposes it because of some shadowy policy which he seeks to enforce upon the Committee of the Whole and which his own committee disregards whenever it thinks proper. But without undertaking now to discuss the divagations of the gentleman from Pennsylvania or his committee, let me call the attention of this body to the character of the very important transaction in which we are engaged. We are here codifying and revising a vast body of laws. The necessity for such a revision is obvious and pressing—on that we are all agreed—but whence does this necessity arise? These laws have been passed at different times to meet varying conditions and under many widely divergent influences on the part of this House. The result—inevitable under a representative government—has been many inconsistencies and incongruities in the body of the law. Sometimes when public opinion was stirred by the commission of some offense a heavy penalty was denounced against it; at other times, where the punishment was fixed from a perfunctory sense of duty, a lighter penalty was often imposed for a graver crime.

Sometimes imprisonment and fine were made cumulative; sometimes the penalties were made alternative without the slightest regard to the gravity of offenses, yet by a perfectly natural feature of legislative operations, when these inconsistencies and incongruities became so numerous as to cast a cloud over our whole jurisprudence, we did what every other country similarly situated has found itself compelled to do—we appointed a committee or commission to revise and codify these incongruous statutes. Now, this Commission come in here with what? Not with a mere compilation of laws, but with a revision of the laws constituting our penal code; and the very object of revision is to harmonize inconsistencies and remove incongruities. Where it is found that a penalty denounced against one offense, by contrast with that denounced against another, seems so disproportionate as to be ridiculous, instead of defending it, as the committee have been doing, apparently because it is ridiculous, it seems to me they should find that fact a sufficient reason for accepting a suggestion or amendment that tends in the direction of harmony and consistency among our criminal statutes.

Now, I venture to say the gentleman from Pennsylvania [Mr. MOON]—and he has shown a great deal of courage—will not venture to contend that the penalty denounced against this offense is adequate to its discouragement. Think of it! A man might buy up a legislature—the gentleman comes from a State where that charge has been repeatedly made, not by members of the party in a minority, but by members of the majority—I do not undertake to say how true or false that may be, but it is a matter of common notoriety that the charge has been made and repeated. Suppose it be true there or elsewhere. Suppose vast sums of money abstracted from some corporation by a corrupt official should be spent to elect a legislature for the purpose of choosing a Senator who would represent a private interest instead of the public welfare. Suppose the perpetrator of this heinous double crime should be accused and convicted. Under this act the most that could happen would be that he would be fined a thousand dollars and imprisoned a year; the minimum might be a fine of one cent.

Will the gentleman from Pennsylvania contend that such a system of repressive legislation is consistent with sound policy or sound morals? I do not believe it. Rather will he once more invoke that mysterious elusive policy which enables him to retain incongruities and perpetuate absurdities while still professing a desire for better conditions.

Mr. Chairman, if our task here is a revision and codification of the law, it seems to me we should be engaged in harmonizing its provisions, not in perpetuating its inconsistencies, but in removing them. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. MOON of Pennsylvania. Mr. Chairman, I shall not attempt to reply to the gentleman's covert insinuations against the ambitious title of the bill presented nor to the accusations, implied or direct, against the State of Pennsylvania. They are not involved in this discussion, and we have here entirely too much matter that is germane to this legislation to warrant me in being diverted into any discussions of that kind.

One word again in order to emphasize the attitude of this committee upon this legislation. We are, and the gentleman from New York knows it, a government that legislates by committees. All the legislation of this Congress goes to committees and is carefully considered by them and can not get before this House except upon the report of a committee. Now, because by the mere accident of revision the parliamentary situation is changed, so that amendments of this kind do become germane and are not out of order, is it wise for us to abandon the salutary and well-considered principles of legislation that have guided us for a century and to enter upon the floor of this House, under the stress and excitement of political and factional interests, upon the amendment or alteration of existing laws, particularly of new laws? I am informed, and I think I am informed correctly, that this law, as I have already stated, was introduced last year by an eminent Democratic statesman. It was referred to the committee in the Senate and to the committee in the House. Every one of its provisions was carefully weighed and considered, as it should be. It came before the House in this form and it came before the Senate in this form. The Senate and the House considered it, weighed it, acted upon it, and adopted it. Therefore I say the duty of this committee now, as it has been from the beginning, is to ask that laws of that kind, particularly those recently enacted, should not be changed here under the guise of revision or codification. For these reasons I ask that this amendment be voted down. [Applause.]

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. DE ARMOND. Mr. Chairman, in this somewhat matter-of-fact and prosaic body, where one's sensibilities are largely controlled in the course of legislation, there have been a num-

ber of reasons given why certain amendments should be made in the bill, but the one thing that appeals more powerfully than all others to the gentleman from Pennsylvania [Mr. MOON] is the consideration that some Democratic statesman at some time was in favor of this provision. Whoever chooses may lay his profane hand upon that sacred enactment, but as for the gentleman from Pennsylvania having the sanction of some Democratic statesman it is a sacred thing and shall not be touched if he can prevent it except to eliminate the minimum of punishment, so that the punishment may be merely nominal.

But it happens, however, that the gentleman from Pennsylvania is not always in this happy and poetic mood, and when the spirit of iconoclasm possesses him he does not hesitate to blue pencil that which does not meet with his approval in a statute, nor does he hesitate to incorporate in the same sacred provision, hoary with age and reverend with the good that it has done, the inspiration of his own intellect, struck out upon the spur of the moment.

It happens that upon this particular occasion, with reference to this particular matter, the object of which ought to be to prevent corruption in elections, to prevent what has become a notorious abuse in elections—the wholesale purchase of the machinery of election, the wholesale purchase of the results of an election, the wholesale nullifying of the will of the electors who are to decide an election—when it comes to a question of considering and perfecting the provisions of that statute—then arises as an impassible and never to be revered barrier the imaginary form of some Democratic statesman who had something to do with this provision!

The amendment offered by the gentleman from Kentucky [Mr. KIMBALL] to make this section cover not merely the payment of money in this corrupt process of debauching American citizenship, polluting American manhood at the fountain head, but to make it reach to and embrace everything of value that may be employed in the corrupting purpose, then the lofty spirit of the reverential gentleman from Pennsylvania rises in protest—"Don't do it; don't do it, because somebody somewhere, for some purpose, was satisfied with this, on a cash basis!"

As has very well been said by gentlemen who have already spoken upon the subject, the real question ought to be, and the real question is, and the real question will be beyond these halls, whether this provision covers what it ought to cover, whether it is as complete as it ought to be, whether amendments offered tend to make it better and stronger, tend to purify American elections and to put out of business the corrupt jobbers in politics, or whether it is to have comparatively no effect or the contrary effect. And no reverence for any man that was, no reverence for any man that is, no actual and no assumed reverence for the sanctity of what somebody did, no reverberating outbursts about the importance of going before committees and carefully and patiently and laboriously considering things will meet the case. A man does not need to go to a committee to learn what he thinks the punishment ought to be. A man does not need to labor in a committee room or to have a bill or a thousand bills buried in a committee pigeonhole, never to emerge from the dust that so regularly falls upon bills in the committee room, in order to know whether or not he is in favor of prohibiting the contributions of anything of value for corrupt purposes or by great corporations or their officers or agents, or whether he wishes to have his limitation fixed at dollars and cents in actual coin or some moneyed equivalent.

I would like to know who it is that honestly is in favor of preventing the payment of cash to bring about corrupt elections and corrupted results, and yet is also honestly opposed to preventing the use of other things of value for the same purpose. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, the fact that this bill was introduced into the Senate by the Senator from South Carolina has been referred to by the gentleman from Pennsylvania [Mr. MOON]. I dare say if the secrets of the Senate Committee could be uncovered it would be discovered that the bill as reported was not precisely as it was introduced by the Senator from South Carolina. He merely got out of the Republican Senate committee the very nearest approximation to a Democratic idea that he could, and I dare say that what there is of fault to be found with this penalty is not a fault to be found with the Senator from South Carolina. I want to call attention to this peculiarity about this statute; the corporation here is fined $5,000 for the violation of this statute. Now, a corporation never violated a statute in all the days of the world's history. A corporation is a nonsentient, paper-existing fiction of the law, and although it is called an artificial person, it is not really a person at all. Whenever a corporation is fined, the innocent stockholders of the corporation are fined their pro rata share of the fine. The corporation here is fined $5,000, and yet when the law comes to punish the actual offenders, the men of flesh and blood, who were sentient and had consciences and consciousness, and who, as officers and directors, make use of the corporation and its authority for the purpose of violating the law, and who, hiding behind a corporate name, are the real violators of the law, are fined "not more than" $1,000. It may be less, infinitely less; much less, at any rate, but it can not be more than $1,000. The real criminal who has violated the law, and not only violated the law, but who has abused his trust to the stockholders of the corporation by using their money for his purposes, is punished to a lesser degree than the corporation composed mainly of those who did not so much as know a wrong was being perpetrated. I think that the real criminal ought to be punished at least as much as innocent stockholders—as much as the nominal, law-created, artificial, nonsentient, paper-existing thing that we call a corporation. Here, for example, was a great insurance company that contributed largely to a Republican campaign fund. Suppose the insurance company had been fined. Then I would have been fined, because, I being a policyholder and it being a mutual company, I was one of the stockholders, and a Democrat, and had never consented and did not want to consent to the abuse of the corporate authority upon the part of the scoundrels who did abuse it. Now, what excuse is there for not fining the real flesh-and-blood criminal at least as much as the innocent stockholders of a corporation? [Applause.] I am heartily in favor of the amendment offered by the gentleman from New York.

Mr. GAINES of Tennessee. Mr. Chairman, there is no question but what the Fifty-ninth Congress was a great Congress. It did great work, but it is beyond question that a lot of its work has been recently amended by the Supreme Court of the United States, by declaring an important law that Congress passed unconstitutional, showing that that Congress did not possess all of the wisdom as to what is and what is not law. The gentleman who has charge of this bill comes in here and with one broad sweep says that the Fifty-ninth Congress in 1907 passed this law, so just let it alone; we will allow no amendments to it. It seems to me, and certainly it must to the lawyers of this great body—and the gentleman from Pennsylvania is a good lawyer—that if he sees that something is lacking in a statute of the Fifty-ninth Congress he ought to permit, and willingly permit, a suggestion that its successor, the Sixtieth Congress, amend it. Again, Mr. Chairman, when we enacted that law on January 26, 1907, did anybody on top of God Almighty's green earth dream of the rottenness of the banks in Wall street that we all know?

No one, in his wildest imagination, dreamed, Mr. Chairman, that a lot of street gamblers of New York would or could cut the windpipe of America's prosperity with one fell swoop, as it were. Every honest bank in the United States has been cut down, forsooth, because a lot of Wall street gamblers and thieves have had it in their power to do that and did assassinate our prosperity and scourge the people. We have that much new evidence, I will say to my friend from Pennsylvania, for a new trial, so to speak. Evidence we could not have had in January, 1907. Now, the gentleman who hails also from New York, the silver-tongued statesman [Mr. COCKRAN], he, true to the society not only of New York, but to the welfare of this country, comes up with the experience he has had with these creatures, these microbes. [Laughter and applause.] These micrococci, these Wall street bacteria, which Secretary Wilson with all of his magnifying glasses has never gotten hold of, and urges an amendment to meet the enemy. Gentlemen, we have all of these outrages before our eyes, and yet the gentleman says, "Let us stand pat." Are you going to stand pat on everything? Let us stand pat while these creatures run riot over and crush all the people? Are we to stand here and expect our people to respect us when we go home or go anywhere else—unless we go to hell [laughter and applause], and shut our eyes, Mr. Chairman, and fold our hands—surrender ourselves and our people with this new evidence before our very eyes and under our nostrils?

No, Mr. Chairman, I say that this is a wiser Congress than the Fifty-ninth, and we have that wisdom that is born of experience and this beautiful condition of things in Wall street. We have the Supreme Court to say that we did not know it all. And yet the gentleman would have us sit here supinely. Pardon me just a moment if my time is out, as I wish three minutes more. [Laughter.] Why, gentlemen, the Department of Justice last year tried to convict the licorice trust, a branch of the tobacco trust. It indicted that invisible thing, a corporation and its officers—human beings, a lot of this bacteria I

have been talking about. These officers came up to that splendid gentleman and lawyer, Special United States District Attorney Henry W. Taft, and said: "We will plead guilty to this indictment if you will not put us in jail." Does any man within the hearing of my voice dispute my statement? That is history and announced by President Roosevelt and by Secretary of War Taft and his brother, H. W. Taft.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask three minutes more, I want to tell this story which is the absolute truth.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Ah, gentlemen, what did Taft say? It seems to be a family failing of the Taft family to be square and honest. [Applause.] Taft said: "No; here are your letters, showing you are guilty; here are letters signed by you and your officers, the defendants. I can not agree to that." But what did a New York jury do? I do not know where the jurors came from, but on that same testimony that they convicted the corporation they acquitted every one of these live defendants—the officers who were indicted with this corporation in that great suit. Now, what did the "corporation" do? It appealed its case to the Supreme Court of the United States. The men—these officers who visited the wrong upon the people—were acquitted, but then were not content. These directors who came up and wanted to plead guilty if they could go free caused their "corporation" to appeal from the judgment against it. Now, gentlemen, that is additional light for some of you—men in New York City want to plead guilty, if not imprisoned, but a New York jury acquits them and convicts their machine, the corporation. Those are the facts, and I challenge any man to dispute them.

Then we have some more light as to evil doing in New York, I will say to my friend from Pennsylvania, since we passed this statute, and the gentleman from New York now comes up and says, "Stand pat, the Fifty-ninth Congress was wiser than this, the Sixtieth." Why, gentlemen, I will say to my friend from Pennsylvania you can not go back on the people of this country in the manner you are about to do. Put in the conjunctive "and" and raise the length of sentence—make it compulsory. Then when a bank comes along and undertakes to corrupt the people's right of suffrage, they not only shall be fined but they shall hereafter be liable to board at the Government's expense in the penitentiaries of the United States. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, when this rule was brought in here we were told by the gentlemen upon the other side that it was brought in as a buffer; the bill was to be before the House to keep it from doing any mischief and to block all business. Well, we have had the bill before the House now for a week, and all the delay has come from the side of the House that made the accusation that the bill was brought in for the purpose of delay. It is simply a report of the codification of the laws, to get them together in one volume, where every lawyer can find readily without going through appropriation bills and all manner of legislation what the criminal laws and the penal laws of the United States are. That was the object and the purpose of it. But every time there is a chance to set up a bogey man about the rights of labor, why, gentlemen from close districts have jumped in here with amendments which were germane and those which were not and made stump speeches, not so much with the idea of having their ideas adopted as to have the speeches go out to their constituents.

We have now come to a section that was passed less than a year ago, and every gentleman on this floor who criticises that section to-day was a Member of the House when that section was passed. To be sure, the Presidential election and the Congressional election were more than a year further off than they are to-day. It might have been as popular then to criticise corporations and the directors thereof as it is to-day, but these gentlemen did not then seem to feel any necessity for getting in the line of the public opinion that would criticise corporations. It was too long before election for them to get in on that line. They knew just as much a year ago to-day about contributions by corporations to political parties in elections as they know to-day. Even the gentleman from Tennessee [Mr. GAINES] had discovered the microbes in the bank circulation more than a year ago.

Mr. GAINES of Tennessee. And you Republicans have kept them there, too.

Mr. PAYNE. Knew all about it then, or thought he did. There has been no new revelation, no new fact has come to light, and there is no reason for the delay unless gentlemen wish to make their word good and try to prove to the country that this bill is put in here for a buffer and for the sake of delay.

The gentlemen on the committee have performed their duty, and the gentlemen on the commission have performed their duty as commissioned by the two Houses. They have arranged in proper order the laws upon the statute books, constituting the Penal Code of the United States. They have done their full duty. That was the object, and they are right in saying that the House ought to go on and pass this bill, the principal question being whether the bill itself represents fairly the Penal Code as it exists to-day. And the time for buncombe and the time for political speeches to get into the RECORD and out into circulation should come upon some other bill, and the House should have a chance to pass this bill and put it upon the statute book. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I am somewhat at a loss to determine whether my colleague has advocated or opposed the pending amendment. I had hoped that before he sat down he would indicate his position. He seems to be indulging in a protest against the utterance of buncombe in the discussion upon this bill. It would require a very careful search of the most complete dictionary to ascertain any other word that would properly designate the speech which he has just delivered. [Applause on the Democratic side.] Why is this bill now being read if not for the purpose of considering properly the amendments which may be offered to it? It has already been read under the rules of the House for the information of the committee. It is now being read under the rules of the House for amendment. If it were the purpose of the gentleman and his associates who dominate this representative body of the American people to pass this bill without any changes, without any amendment, without any legitimate discussion upon the provisions contained in it, why did not they put into operation that skillful piece of machinery provided by the rules and pass this bill under a special rule without giving opportunity to offer amendments? Why occupy valuable time and squander the money it costs to conduct these sessions in considering a bill to which they do not pretend to permit amendments to be adopted? If this bill as reported by the committee be so perfect, why go through the farce of considering it now under the rules for amendment? The gentleman from Pennsylvania [Mr. MOON]—and I do not criticize his attitude—objects to some amendments because provisions sought to be amended are existing now, and in the next breath he announces that he will accept amendments that are offered to the bill, because the amendments will carry out more perfectly the object of the section to which the amendments are offered.

Whatever may have controlled the committee of the House which considered this bill in its action—and I believe it was justified in refusing to consider new matter—I will not agree to the position of the Republican Members of this House that this Committee of the Whole is so devoid of intelligence that it can not adopt properly and efficiently amendments that will perfect any one of the numerous provisions of this bill. If this Committee of the Whole be so devoid of intelligence, then let the Committee of the Whole House on the state of the Union be abolished and the House of Representatives sit here and merely register the will and the wish and concur in the action of the committees of the House when they bring in bills.

The purpose of considering this bill in the manner in which it is before the House is to prevent the Members of this House discussing real live questions that are now affecting the American people, to avoid the discussion of matters that are of vital interest to the people and which may embarrass the Republican majority by having them discussed at this time. The gentleman says that some particular amendment was adopted in the last Congress, and that we had as much information as we have now. And yet I submit to the gentleman that even within the past few days this House and the Congress have learned something. They passed the employers' liability act by an almost unanimous vote, but they have just been informed by the Supreme Court of the United States that they transcended their power in so doing. Why not put this pending bill through under a special rule and let the Congress pass a constitutional act for the benefit of the employees of corporations engaged in interstate commerce? Why not take it out of the way and let us do business for the benefit of the people? The gentleman can not plead lack of power, because he has a majority behind him of some fifty votes. Only the other day, lest perchance some proper amendment might be adopted to this bill, the Republican whip sent out a special call to the Republican Members of the House to be in their seats promptly.

I wish to call the attention of the committee to the fact that when the House considered the bill prohibiting politi-

cal contributions by corporations it had not at that time learned of the peculiar relations that existed between the President of the United States and a very distinguished railroad magnate in the preceding election. [Applause on the Democratic side.] Had it had that information, had it known that the President had written to Mr. Harriman that he and Mr. Harriman were practical men, and that perhaps it would be inadvisable, immediately before a Presidential election, for Mr. Harriman to call at the White House and confer with the President, because of the effect it might have on the then coming election, the Congress might have devised some more stringent provision to prevent these contributions. And it is not improper to recall that before the last Congressional election Members of Congress on this side advocated the passage of a bill prohibiting corporate contributions to campaigns. The press of the country demanded that the President urge this House to pass such a bill, one having already been passed by the other House, to prevent the abuses in the last Congressional campaign that had existed in the previous ones. But the President very carfully withheld his very vigorous request to the Congress for such legislation until the session of Congress immediately succeeding the last Congressional election. [Applause on the Democratic side.]

Mr. Chairman, lest my colleagues might accuse me of having indulged in buncombe, and of not having discussed the amendment, I wish to have it registered here, so that all may be informed, that I am heartily in favor of the pending amendment. I hope my colleague will join me in so amending this provision as to make it effective and thus eliminate one of the abuses that has existed for some time. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from New York [Mr. PAYNE] spoke of the pending bill as one merely to codify the penal laws—to arrange the laws in proper order, he said—so that the people of the country might know where to find them. The gentleman is entirely mistaken if he thinks that is the only purpose of this bill, and that the only duty of the Committee of the Whole now is to consider a mere proposal to codify the laws and arrange them so that people will know where they are.

Let me quote, Mr. Chairman, from the language of the report accompanying this bill and submitted by the very distinguished and able chairman of the Committee on the Revision of the Laws, the gentleman from Pennsylvania [Mr. MOON].

The House members of the Special Joint Committee on the Revision of the Laws—

Not codification, but "revision"—

appointed under public resolution 19 of the Fifty-ninth Congress, second session, have examined, considered, and submit to Congress recommendations—

Not propositions we are bound absolutely to adopt, but "recommendations"—

upon the revision and codification of the laws, etc., * * * deeming it both necessary and expedient to make certain changes, additions, and omissions, report in lieu thereof the accompanying bill and submit the following report.

This committee brought in this report recommending "amendments, changes, and omissions in existing law" and a bill to carry these recommendations into effect; and yet this bill embodying propositions of such a character is attempted here to be made a partisan question. [Applause on the Democratic side.]

A word as to the statement made by the distinguished chairman of the committee, the gentleman from Pennsylvania [Mr. MOON] a few moments ago concerning the amendment proposed by the gentleman from Kentucky to make the law prohibit a corporation from contributing not only money, but anything else of value. The gentleman from Pennsylvania opposed the amendment, but said that as an original proposition he would have been in favor of it. Well, if it would have been right as an original proposition it is right now. [Applause on the Democratic side.] Mr. Chairman, we are not here to make the revision of the penal laws of the United States a mere partisan question. We are here to try to make the law what it ought to be. We are here to say whether these "changes, additions, and omissions" recommended by the committee ought to be adopted as they submit them, and on this question to exercise our best judgment under our oaths, without regard to whether we are Republicans or Democrats.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Daniel Webster once spoke regretfully of what he called "the headlong and plunging spirit of party devotion." This forceful expression often occurs to me when I see the spirit of partisanship aroused in the consideration of a subject so purely nonpartisan as is the one now pending.

Mr. Chairman, I would like to have the gentleman from Pennsylvania tell me, if as an original proposition it would have been right to prohibit a corporation from contributing money or anything else of value to a campaign fund, why it is not right now to make such prohibition when we are revising the statutes and find it omitted from the original law? Why is it not right to insert it now when it should have been inserted in the first instance? [Applause on the Democratic side.]

I desire also to ask the gentleman from New York [Mr. PAYNE], who said that this was a proposition merely to codify, when in truth it is a proposition also to revise—I want to ask him a question suggested by the very cogent remarks of the distinguished gentleman [Mr. COCKRAN] who offered this amendment. If a corporation should contribute $25,000 to defeat the gentleman from New York [Mr. PAYNE] or the gentleman from Pennsylvania [Mr. MOON] for a renomination or a reelection to a seat in this body, where each has brought such honor upon himself, and an officer of this corporation were by a jury convicted of that offense, and then by the judge sentenced to pay a fine of only $1, does the gentleman from New York think that justice would be done?

Yet that is exactly what they propose to permit if they allow the law to stand as it is to-day. Let me put that question again to the gentleman from Pennsylvania [Mr. MOON] and the gentleman from New York [Mr. PAYNE], both among the most distinguished men in this body—none are more highly honored. Let me ask either of them this question: If one of the great railroad companies, if one of the great steamship companies, if one of the great insurance companies, or any other corporation should contribute $25,000 to defeat either of those gentlemen for renomination or for reelection and one of the officers of such corporation after his conviction by a verdict of a jury were by the judge to be fined only $1, would the gentleman from Pennsylvania or the gentleman from New York think such a proceeding just? This is a Government of laws, not of men, and no judge ought to have the right to inflict a mere nominal fine when an officer of a corporation is convicted of an offense of the dangerous character of the one which I have indicated. I shall vote for the amendment, not as a Republican; I shall not oppose it simply because it is proposed by a Democrat; I shall vote for it because it is right and ought to be on the statute books of the country. [Applause on the Democratic side.]

Mr. HARDY. Mr. Chairman, I rise upon this amendment, partly in behalf of the gentleman from New York [Mr. PAYNE] and partly in behalf of the gentleman from Pennsylvania [Mr. MOON]. I know they can not answer the questions that have just been asked by the gentleman from Wisconsin [Mr. COOPER]. I want to make a suggestion for their benefit. When the farmer in the great western prairies of Texas goes out to hunt the prairie dog, he finds the boldest-looking animals upon the whole face of nature standing upright by the side of a little hole in the ground. Now, these two gentlemen, with others, have dug for themselves in case of an emergency a hole in the ground, which is constructed out of the imaginary proposition that this is not a bill to amend, improve, alter, or revise the criminal code, but a bill simply to carry over and readopt an old code. Now, then, they have got that hole. And when we push them hard, when we get them in a close place, and begin to shoot close, they do as the little animal does on the prairie—they run into that hole. I want them to raise one banner, the banner of flight, and use one cry, "All rats, hunt your holes," and then quit.

Mr. SIMS. Mr. Chairman, I find that section 218 of this bill covers about two pages of the report. It is all new matter, being all in italics. It takes the place of the entire section 3878 of the law as it now stands, and if this section is passed it converts every mail route in the United States into a whisky-carrying route. This section covers nonmailable matter generally, and in providing for nonmailable matter it does not include liquids. It repeals the act which expressly uses the word "liquids" and then it makes it mandatory on the Postmaster-General to do what follows. After naming the nonmailable matters, which does not include liquids, in section 218 of the report it says:

But the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly of their own force dangerous or injurious to life, health, or property.

Now, intoxicating liquor of its own force outwardly, from its

appearance, is not dangerous to life and property, and section 3878 being left entirely out, leaves out of the new law the words "all liquids," contained in the present law as nonmailable matter. This leaves intoxicating liquors mailable.

That section 218 I here insert in my remarks, which is as follows:

SEC. 218. All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier; but the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or be imprisoned not more than ten years, or both.

Now, we have not reached this section. I am leaving you this word of warning. Study the section and get ready for the struggle. I saw in the galleries of this House to-day a gentleman whose name I have heard, but do not remember, whose business it is to be on hand when these interests are affected. When I saw him I thought there was a negro in the wood pile somewhere in this bill, and I began to look a little ahead, and here is where I find him, and I call your attention to him. This can not be pooh-poohed, ridiculed, or laughed down. You will find if this bill is passed without an amendment providing expressly that intoxicating liquors shall be nonmailable, the Postmaster-General will be required to receive them in the mails under this law.

Mr. DE ARMOND. Mr. Chairman, I would again ask the attention of the committee to the spirit of "uniformity" which prevailed in the Commission with regard to punishments. The Commission adopted a general policy of no minimum limit. I called attention to that in the consideration of the first section, I believe, where the policy cropped out; at least the first in which I noticed it. If that section had been alone and the matter had been with reference to that section alone, I should have been very well satisfied to have no minimum punishment, but I thought I saw where the policy carries us.

We have in the old law a provision that the fine shall not be less than $250. We have in the new law, or in the proposed law, after this Commission has done with this section, a proposition that the fine may be the thousandth part of one mill. It is one thing to have your theory of uniformity, and it is another thing to apply your theory so that it may directly destroy all the virtue and all the real essence in a criminal statute.

The proposition of the gentleman from New York is to make the extreme limit of imprisonment ten years instead of one year. Opposition to that is strenuous, but for the sake of "unanimity" the minimum limit of $250 in fine is absolutely removed by act of this Commission, and all the argument, I suppose, that could be made for the elimination is that it produces "uniformity."

The gentleman from New York [Mr. PAYNE], the floor leader of his party, seems to be disturbed about the time consumed upon this side of the House in amendments. Did the gentleman suppose that those who think that amendments would better these provisions would refrain from offering them? He ought to be content when by the power of a sufficient partisan majority amendments manifestly good, amendments against which no reason can be urged, amendments beyond the reach of valid objection, are voted down. He ought to be satisfied with the drawing of the line upon the main aisle of the House, but it seems there ought to be something more—we ought to refrain from offering these amendments. Possibly it may occur to the gentleman that amendments are considered beyond the walls of this Hall, where his code of rules and his special rules passed by the majority will not be so absolutely omnipotent as here. You will have to bring in some sort of a rule, even more drastic. You will have to apply the gag a little further or those of us here who have amendments to offer will continue to offer them. For the present you will have to content yourself with exercising the privilege which your present power gives you—that of voting down the amendments without any reference to their merit. [Applause on the Democratic side.]

Mr. HALL. Mr. Chairman, a few words in regard to this proposition that is now pending. In the first place, it seems to me the remarks that have been made in the course of this debate arise largely from the fact that we have digressed far from the motion to amend that was made by the gentleman from New York.

But I wish at the outset, in the course of my few remarks, to say that I—and I think in common with a large number of other gentlemen on this side of the House—have not, as has been suggested, stood by the report of this committee from partisan reasons, but I have, and I know that others have, stood by the report of this committee because we had confidence in it and because we believed we should not depart from the legitimate sphere of codification and revision and invade the realm of original untried legislation. That, Mr. Chairman, has been the purpose of a great many men here, but measures proposed as amendments, which at first glance might have been considered meritorious, without realizing that these amendments, coming as they do spontaneously upon the spur of the moment, without having committee consideration upon them, are liable to cause still greater error, if error exists in the proposition that is seeks to amend.

Suggestion has been made that the laws which are here presented by this report of the committee are sacred, and it was alluded to in a semisarcastic manner. Mr. Chairman, while perhaps the word "sacred" is not the appropriate one, I am sure these laws, which have come down to us from over a century of legislative experience, are at least entitled to respect and confidence. I do not believe, Mr. Chairman, that as these sections are read and brought up for consideration each section should be treated as if it had a chip on its shoulder. I believe, Mr. Chairman, that we have had Congresses in the past that were perhaps as wise or nearly as wise as the present one. These laws have been tried in the crucible of time. Many of them are over a century old. They began with the time of Hamilton and Jefferson; they have been signed with the seal of approval of a Washington, a Lincoln, a McKinley, and a Roosevelt. They do not come to us here under circumstances which should arouse suspicion, but they come to us under circumstances that should inspire confidence and respect. And more especially, Mr. Chairman, is it inappropriate to treat the Penal Code, which is now being considered, as a political football or as an opportunity for ventilating economic or political ideas. It is too substantial and important a proposition. The penal laws are designed for the purpose of securing those sacred, inviolate personal rights of life, of liberty, of property, of the pursuit of happiness—for the purpose of preserving organized society; and, Mr. Chairman, I believe that when the gentlemen support the work of this committee, supporting as they are largely the legislation of previous Congresses, they are not justified in accusing them of improper motives in so doing. [Applause on the Republican side.]

Mr. MOON of Pennsylvania. Mr. Chairman, I move that all debate on this section and the amendments thereto do now close. We have occupied a long time upon it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOON] makes the motion that the debate on the section and amendments do now close.

Mr. COX of Indiana rose.

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. COX of Indiana. To address myself to the amendment offered by the gentleman from New York [Mr. COCKRAN].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOON] has made a motion that all debate on the section and amendments be now considered as closed.

Mr. GRIGGS. Will the gentleman from Pennsylvania withhold that for a moment.

Mr. MOON of Pennsylvania. Yes. Mr. Chairman, I will amend my motion by saying that it shall cease after five minutes. I will ask the gentleman from Indiana [Mr. Cox] if that is sufficient time?

Mr. COX of Indiana. Yes. I thank the gentleman.

The CHAIRMAN. The question is that the debate upon this section and the amendments thereto close in five minutes.

The question was taken and the Chairman announced that the ayes seemed to have it.

Mr. OLLIE M. JAMES. Division, Mr. Chairman.

The committee divided, and there were—ayes 78, noes 50.

So the motion was agreed to.

Mr. COX of Indiana. Mr. Chairman, I heartily support the

amendment offered by the gentleman from New York [Mr. COCKRAN]. I read the section under consideration, being section 85. The scope and tenor of it is designed for the purpose of purifying elections throughout the United States. A part of the section provides:

Every corporation which shall make any contribution in violation of the foregoing provision shall be fined not more than $5,000.

As the able gentleman from Mississippi [Mr. WILLIAMS] suggested, Mr. Chairman, this is ordinarily an imposition upon innocent parties. It is a burden upon the stockholders, who give no consent to a contribution whatever, but whose power lies within a board of directors.

This section further provides:

And every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. Chairman, if we desire to purify the elections in the United States, when a President is to be elected, or when Members of Congress are to be elected, or when members of the various legislatures who are to elect United States Senators are to be elected, in my humble judgment we ought to drive at the party who is absolutely guilty. A corporation can only act by human agency and not upon or by its own initiative. Therefore, we should drive at the man behind the gun, whoever he is—the individual, whoever he may be, who by his nefarious act set the dangerous and unlawful machinery in motion. If this be the directors of a bank or the directors of a corporation, or by whatever power the corporation makes the unlawful contribution for this unholy purpose, in my judgment we can never stamp this nefarious practice out as quickly in any way or manner as we can by imposing a penal sentence upon the individual man thus guilty.

As suggested by the gentleman from New York [Mr. COCKRAN], the board of directors or the director who is responsible for the contribution would care but little for the insignificant fine. But when he is confronted with a sentence in the State prison, then, and not till then, will he feel the force and effect of violating a penal statute. To simply impose a fine upon an officer, agent, or director of any bank or corporation would be but a mockery and travesty upon justice. This all-pervading evil of corporations contributing funds for political campaigns has become so odious, outrageous, and shocking to the moral conscience that every decent man, irrespective of party, is compelled to raise his voice against it. If conditions continue and this evil be not suppressed, the very foundations of our Republic will soon be undermined, and thereby the superstructure of our Government will totter and fall, a matter that every patriot desires to avert.

Pure elections mean better officers to administer the law. Better officers mean better laws. Better laws mean a better country. A better country means better homes for all who live beneath the flag. We will stamp the evil out the moment you make campaign contributions by the agents of corporations a felony, punishable by imprisonment in some penitentiary.

Again, Mr. Chairman, in section 73, the object and purpose of imposing such a heavy penalty, as explained by the chairman of the committee, was to prevent assaults upon revenue officers. The penalty provided in section 73 imposes a fine and sentence in the State prisons for committing, it may be, a simple assault upon a revenue officer. Yet section 85, in my judgment, involves a much more serious question. It involves the entire electoral franchise of all the qualified voters of the United States.

Yet, the penalty involved in section 73 is much more severe than the penalty involved in section 85. Why, by mandatory provision, impose a sentence by imprisonment upon an individual who commits a simple assault upon a revenue officer and make it optional for the court to impose a fine of only one cent upon an officer, agent, or director of a corporation who contributes money for the purpose of polluting the sovereign ballots of the land?

The one great safeguard of our liberty is the honest, free, untrammeled ballot; and when this becomes tainted and corrupted by the use of money knowingly contributed by officers of corporations, that very moment, Mr. Chairman, we have weakened the fundamental principles upon which our Government is founded.

Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman, fixing the penalty at from one to ten years in the penitentiary, together with a fine. [Applause on the Democratic side.]

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Chairman, there is a verbal inaccuracy in the motion as I submitted it, and I have corrected it. With the permission of the committee I will ask to have it read in its amended form.

The CHAIRMAN. The Clerk will report the amendment in its modified form for the information of the committee.

The Clerk read as follows:

Substitute "and" for "or" in line 10, page 44; "ten" for "one" in line 11, same page; "years" for "year," same line and page, and also strike out "or both" in line 11.

So that the whole shall read—

And imprisoned not more than ten years.

The question being taken on the amendment of Mr. COCKRAN, on a division (demanded by Mr. COCKRAN) there were—ayes 64, noes 83.

Mr. COCKRAN. Mr. Chairman, on this vote I ask for tellers.

The tellers were ordered, and the Chairman appointed Mr. COCKRAN and Mr. MOON of Pennsylvania.

The committee again divided, and the tellers reported—ayes 69, noes 77.

Accordingly the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by striking out the word "more" in line 10 and the word "more" in line 11, page 44, and inserting in lieu thereof in each instance the word "less."

Mr. COCKRAN. How will the section then read?

The Clerk read as follows:

Shall be fined not less than $1,000, or imprisoned not less than one year, or both.

The question being taken on the amendment of Mr. DE ARMOND, on a division (demanded by Mr. DE ARMOND) there were—ayes 61, noes 79.

Mr. DE ARMOND. Tellers!

Tellers were ordered, and the Chairman appointed Mr. MOON of Pennsylvania and Mr. DE ARMOND.

The committee again divided, and there were—ayes 61, noes 75.

Accordingly the amendment was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I desire to offer an amendment to section 85, line 24, page 43. I desire to add, after the word "Congress," the words "or engaged in interstate commerce."

The Clerk read as follows:

Page 43, line 24, after the word "Congress," insert the words "or engaged in interstate commerce."

Mr. OLLIE M. JAMES. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. OLLIE M. JAMES. I want to discuss this amendment.

The CHAIRMAN. Debate on this section and all amendments was closed by vote of the committee some little time ago.

Mr. OLLIE M. JAMES. I understood it to be on that amendment.

Mr. MOON of Pennsylvania. No.

The CHAIRMAN. No; it was on the section and all amendments. Debate has been closed.

Mr. OLLIE M. JAMES. I ask unanimous consent for five minutes

Mr. PAYNE. Regular order, Mr. Chairman.

Mr. OLLIE M. JAMES. Well, it will cost you more than five minutes.

Mr. PAYNE. It may cost us an hour, but we will have the regular order.

Mr. OLLIE M. JAMES. It will cost you two hours.

Mr. RANDELL of Texas. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RANDELL of Texas. The point of order is this, that the motion adopted a while ago was that the debate be limited to five minutes on the section and pending amendment.

The CHAIRMAN. The motion included the section and all amendments.

Mr. RANDELL of Texas. Pending amendments.

The CHAIRMAN. The language was understood to mean all amendments. The question is upon the amendment offered by the gentleman from Kentucky [Mr. OLLIE M. JAMES].

Mr. GOLDFOGLE rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of asking that the amendment may again be read.

The CHAIRMAN. If there is no objection, the amendment will again be reported.

Mr. HARDY. Mr. Chairman, I wish to appeal from the ruling of the Chair.

Mr. CRUMPACKER. Mr. Chairman, I make the point of order that the appeal comes too late.

The CHAIRMAN. The Chair thinks that the request for appeal comes too late. The Clerk will report the amendment.

Mr. OLLIE M. JAMES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLLIE M. JAMES. I would like to have the motion made by the gentleman from Pennsylvania under which they claim to shut off debate reported to the House. There seems to be a difference of opinion.

The CHAIRMAN. The Chair is undertaking to comply with the request of the gentleman from Kentucky to have the amendment again reported.

Mr. OLLIE M. JAMES. I did not make any such request.

Mr. PAYNE. Regular order, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk again read the amendment.

Mr. OLLIE M. JAMES. Now, Mr. Chairman, I renew my request.

The CHAIRMAN. What is the gentleman's request?

Mr. OLLIE M. JAMES. That the motion made by the gentleman from Pennsylvania, under which it was claimed that debate was shut off, be reported to the House, so that we may know what it is.

The CHAIRMAN. Is there objection to the request?

Mr. PAYNE. I object.

Mr. OLLIE M. JAMES. Mr. Chairman, I now rise for the purpose of asking the Chair to have the Clerk report the section as it would read if amended.

Mr. PAYNE. Mr. Chairman, I call for the regular order. The amendment has been reported twice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and on a division (demanded by Mr. OLLIE M. JAMES and Mr. WILLIAMS] there were—ayes 61, noes 77.

Mr. OLLIE M. JAMES. Tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed as tellers Mr. OLLIE M. JAMES and Mr. MOON of Pennsylvania.

The committee again divided, and the tellers reported that there were—ayes 65, noes 76.

So the amendment was lost.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 86. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, shall be fined not more than $500, or imprisoned not more than six months, or both.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

According the committee rose; and the Speaker having resumed the chair, Mr. BANNON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11701) to codify and revise the criminal law, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution of the following title:

On January 8, 1908:

Joint resolution (H. J. Res. 66) making an appropriation to supply a deficiency in the appropriation for the purchase and distribution of valuable seeds.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of following title, when the Speaker signed the same:

H. R. 194. An act to authorize the county of St. Francis, in the State of Arkansas, to construct a bridge across St. Francis River at or near the town of Madison, in said county and State.

WITHDRAWAL OF PAPERS.

Mr. LAFEAN, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of William Thomas (H. R. 11825, Fifty-sixth Congress), no adverse report having been made thereon.

CONDITIONS IN CUBA.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Foreign Affairs and, with accompanying papers, ordered to be printed.

To the Senate and House of Representatives:

I inclose the report of Provisional Governor Magoon on the conditions in Cuba, together with the correspondence between Secretary Taft and myself on the subject. I can not too heartily commend the action of the provisional governor and his civil associates, and of the Army in all its parts in connection with this Cuban matter. I am glad to be able to say that we can now definitely announce that one year hence, by or before February 1, 1909, we shall have turned over the island to the President and Congress to be elected next December by the people of Cuba. Prosperity, peace, and happiness have attended the exercise of our government in Cuba. Our word to turn over the island to its own people will be scrupulously regarded, and through their own President and Congress they will administer the government of the island a year hence.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 14, 1908.*

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

Joint resolution (S. R. 1) amending an act relative to the public printing and binding, approved March 1, 1907.

Joint resolution (S. R. 14) extending the time allowed the organized militia of the several States and Territories and the District of Columbia to conform to the provisions of section 3 of the act approved January 21, 1903.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 194. An act to authorize the county of St. Francis, in the State of Arkansas, to construct a bridge across St. Francis River at or near the town of Madison, in said county and State.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for salaries of certain officers in the Department of State—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Assistant Secretary of the Interior submitting an estimate of appropriation for printing the Official Gazette of the United States Patent Office—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bois de Sioux, Lake Traverse, and Big Stone Lake—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for preparation of reports relating to the work of the Joint High Commission—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Education, a draft of a bill to provide for compulsory education of the native children of Alaska—to the Committee on the Territories and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting explanations of estimate of appropriation for foreign intercourse—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for expenses of collecting the revenue from customs for the fiscal year ending June 30, 1909—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting with a copy of a letter from the Secretary of War, a copy of judgments of the court of first instance of Manila, P. I., against the United States—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12439) authorizing the construction of a bridge across White River, Arkansas, reported the same without amendment, accompanied by a report (No. 170), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12412) to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark., reported the same without amendment, accompanied by a report (No. 171), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10309) granting an increase of pension to Albert Hoffman, reported the same with amendments, accompanied by a report (No. 93), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5978) granting an increase of pension to Alonzo Pennock, reported the same with amendment, accompanied by a report (No. 94), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4666) granting a pension to John H. Monk, reported the same with amendments, accompanied by a report (No. 95), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4148) granting an increase of pension to George S. Neill, reported the same with amendment, accompanied by a report (No. 96), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4487) granting an increase of pension to Rebecca W. Swain, reported the same without amendment, accompanied by a report (No. 97), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10379) granting an increase of pension to George F. Laird, reported the same with amendment, accompanied by a report (No. 98), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4330) granting an increase of pension to Mary J. Baughman, reported the same with amendments, accompanied by a report (No. 99), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referrd the bill of the House (H. R. 4249) granting an increase of pension to John R. Miller, reported the same with amendment, accompanied by a report (No. 100), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4485) granting an increase of pension to Jennie S. Risley, reported the same without amendment, accompanied by a report (No. 101), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4175) granting a pension to Adam Meyer, reported the same with amendments, accompanied by a report (No. 102), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4752) granting an increase of pension to Theodore Campbell, reported the same with amendment, accompanied by a report (No. 103), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6484) granting an increase of pension to Samuel L. Bushong, reported the same without amendment, accompanied by a report (No. 104), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8662) granting an increase of pension to Michael McDonald, reported the same with amendment, accompanied by a report (No. 105), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9060) granting an increase of pension to Daniel S. Graves, reported the same with amendments, accompanied by a report (No. 106), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10306) granting an increase of pension to Tilghman Scholl, reported the same with amendment, accompanied by a report (No. 107), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10019) granting a pension to Henry Knauff, reported the same with amendments, accompanied by a report (No. 108), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9041) granting an increase of pension to John E. Coogle, reported the same with amendments, accompanied by a report (No. 109), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6651) granting an increase of pension to John Miller, reported the same without amendment, accompanied by a report (No. 110), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7275) granting an increase of pension to Edward N. Burns, reported the same with amendments, accompanied by a report (No. 111), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7316) granting a pension to George W. Richardson, reported the same with amendments, accompanied by a report (No. 112), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7884) granting an increase of pension to John Shadinger, reported the same with amendment, accompanied by a report (No. 113), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10858) granting an increase of pension to Barbara Popp, reported the same without amendment, accompanied by a report (No. 114), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9283) granting an increase of pension to A. E. Chaffee, reported the same with amendments, accompanied by a report (No. 115), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6398) granting an increase of pension to Ann Toomey, reported the same with amendments, accompanied by a report (No. 116), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2341) granting an increase of pension to Christopher N. Snyder, reported the same with amendments, accompanied by a report (No. 117), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2850) granting an increase of pension to Elihu Wheeler, reported the same without amendment, accompained by a report (No. 118), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3215) granting a pension to Oliver P. Johnson, reported the same with amendments, accompanied by a report (No. 119), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4695) granting an increase of pension to Mary E. Johnson, reported the same with amendments, accompanied by a report (No. 120), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10937) granting a pension to J. R. Harwell, reported the same with amendments, accompanied by a

report (No. 121), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11856) granting a pension to William Saunders, reported the same with amendments, accompanied by a report (No. 122), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7088) granting an increase of pension to Benson S. Philbrick, reported the same with amendment, accompanied by a report (No. 123), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3454) granting an increase of pension to John C. Peters, reported the same with amendment, accompanied by a report (No. 124), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6827) granting a pension to Morton A. Wilcox, reported the same with amendments, accompanied by a report (No. 125), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2861) granting an increase of pension to Margaret Cornwell, reported the same without amendment, accompanied by a report (No. 126), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3337) granting an increase of pension to Elizabeth Evans, reported the same with amendments, accompanied by a report (No. 127), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1487) granting an increase of pension to Herbert F. Brooks, reported the same with amendment, accompanied by a report (No. 128), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2899) granting an increase of pension to John Mess, reported the same with amendment, accompanied by a report (No. 129), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5317) granting an increase of pension to Lewis W. Crain, reported the same without amendment, accompanied by a report (No. 130), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3453) granting an increase of pension to George Taylor, alias George Parks, reported the same with amendments, accompanied by a report (No. 131), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4371) granting an increase of pension to Palmer Loper, reported the same with amendment, accompanied by a report (No. 132), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4189) granting an increase of pension to David Wood, reported the same with amendments, accompanied by a report (No. 133), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6046) granting an increase of pension to Edward T. Tucker, reported the same without amendment, accompanied by a report (No. 134), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3740) granting an increase of pension to James Walters, reported the same without amendment, accompanied by a report (No. 135), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4105) granting an increase of pension to George W. Hearing, reported the same with amendment, accompanied by a report (No. 136), which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4755) granting an increase of pension to George E. Goodrich, reported the same with amendments, accompanied by a report (No. 137), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3737), granting an increase of pension to Thomas E. Story, reported the same with amendments, accompanied by a report (No. 138), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4247), granting an increase of pension to Alexander Beaty, reported the same with amendment, accompanied by a report (No. 139), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3338) granting a pension to Elizabeth James, reported the same with amendment, accompanied by a report (No. 140), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4150) granting an increase of pension to Charles Miles, reported the same with amendment, accompanied by a report (No. 141), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4535) granting an increase of pension to William L. Jaquett, reported the same without amendment, accompanied by a report (No. 142), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4766) granting an increase of pension to Charles P. Leavitt, reported the same with amendment, accompanied by a report (No. 143), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6521) granting an increase of pension to Caspar Deschler, reported the same with amendments, accompanied by a report (No. 144), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5455), granting an increase of pension to Dallas Vernam, reported the same with amendment, accompanied by a report (No. 145), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4311) granting an increase of pension to David Whitten, reported the same with amendments, accompanied by a report (No. 146), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6554) granting a pension to Joseph Ralley, reported the same with amendments, accompanied by a report (No. 147), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4767) granting an increase of pension to Milton Ross, reported the same with amendment, accompanied by a report (No. 148), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4937) granting an increase of pension to Rebecca S. Wishart, reported the same with amendment, accompanied by a report (No. 149), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3616) granting an increase of pension to Eli Masters, reported the same with amendments, accompanied by a report (No. 150), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1949) granting an increase of pension to David Lemon, reported the same with amendment, accompanied by a report (No. 151), which said bill and report were referred to the Private Calendar.

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1180) granting an increase of pension to Jackson Sizemore, reported the same with amendments, accompanied by a report (No. 152), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 787) granting

an increase of pension to Henry McNeil, reported the same with amendments, accompanied by a report (No. 153), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2210) granting an increase of pension to John Horstman, reported the same with amendments, accompanied by a report (No. 154), which said bill and report were referred to the Private Calendar.

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3354) granting a pension to Christopher Lute, reported the same with amendments, accompanied by a report (No. 155), which said bill and report were referred to the Private Calendar.

Mr. HACKETT, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2767) granting an increase of pension to James M. Endicott, reported the same with amendment, accompanied by a report (No. 156), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1565) granting an increase of pension to William W. Levering, reported the same with amendment, accompanied by a report (No. 157), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8695) granting an increase of pension to William Thomas, reported the same without amendment, accompanied by a report (No. 158), which said bill and report were referred to the Private Celandar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3335) granting an increase of pension to Henry Holliday, reported the same with amendments, accompanied by a report (No. 159), which said bill and report were referred to the Private Calendar.

Mr. BOYD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2913) granting an increase of pension to John R. Pahlman, reported the same without amendment, accompanied by a report (No. 160), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2772) granting an increase of pension to Mathias D. Rodocker, reported the same with amendments, accompanied by a report (No. 161), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1936) granting an increase of pension to David Everitt, reported the same with amendment, accompanied by a report (No. 162), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2664) granting an increase of pension to Joseph H. Kitzmiller, reported the same with amendment, accompanied by a report (No. 163), which said bill and report were referred to the Private Calendar.

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2087) granting an increase of pension to Joseph V. Stevenson, reported the same with amendments, accompanied by a report (No. 164), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2198) granting an increase of pension to Thomas S. Blake, reported the same without amendment, accompanied by a report (No. 165), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2993) granting an increase of pension to William Hogan, reported the same with amendments, accompanied by a report (No. 166), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2351) granting an increase of pension to Seth H. Phillips, reported the same without amendment, accompanied by a report (No. 167), which said bill and report were referred to the Private Calendar.

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3494) granting an increase of pension to Dietrich Bellman, reported the same with amendments, accompanied by a report (No. 168), which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1058) granting an increase of pension to Sidney E. Bryant, reported the same with amendments, accompanied by a report (No. 169), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10368) to authorize the Secretary of War to change the name of Julius Flemming to his proper name of Jacob John Locher, reported the same without amendment, accompanied by a report (No. 172), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 4062) granting a pension to Hans F. Hirte—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7869) granting an increase of pension to Alfred Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9621) granting a pension to John Hearn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13142) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 13176) granting a pension to Henry Genrich—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13301) granting a pension to R. J. Hiner—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 13646) to secure depositors in national banks against loss, and so forth—to the Committee on Banking and Currency.

By Mr. JENKINS: A bill (H. R. 13647) to amend first subdivision of section 629 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BEALE of Pennsylvania: A bill (H. R. 13648) requiring the motto "In God we trust" to be inscribed on all coins of money hereafter issued by the United States as formerly—to the Committee on Coinage, Weights, and Measures.

By Mr. HUMPHREY of Washington: A bill (H. R. 13649) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit—to the Committee on the Judiciary.

By Mr. DIEKEMA: A bill (H. R. 13650) making an appropriation to pay to certain Chippewa Indians of Michigan moneys due them under former treaties—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 13651) providing for the purchase of a national forest reserve and park in the State of Texas, to be known as "The Palo Duro Canyon National Forest Reserve and Park"—to the Committee on Agriculture.

Also, a bill (H. R. 13652) authorizing the President of the United States to enter into commercial agreements for the purpose of securing enlarged foreign markets for the beef and pork products of the United States—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 13653) to provide for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T.—to the Committee on Indian Affairs.

By Mr. ANTHONY: A bill (H. R. 13654) to increase the efficiency of the Army—to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 13655) to grant to the State of Minnesota certain lands for a forest and game reserve—to the Committee on the Public Lands.

By Mr. BOWERS: A bill (H. R. 13656) to subject intoxicating liquors transported from one State into another for delivery or sale to the laws and regulations of such latter State and to prohibit the issuance of Federal licenses to sell same in such localities where such is prohibited by the laws or regulations of such State or locality—to the Committee on the Judiciary.

By Mr. CHAPMAN: A bill (H. R. 13657) to amend an act approved March 3, 1891, amending section 4787 of the Revised Statutes of the United States—to the Committee on Military Affairs.

By Mr. HEFLIN: A bill (H. R. 13658) to prevent the sale of intoxicating liquors in the new Union Railroad Station in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DAWSON: A bill (H. R. 13659) to establish a biological and fish-cultural station in the Second Congressional district of the State of Iowa—to the Committee on the Merchant Marine and Fisheries.

By Mr. BANNON: A bill (H. R. 13660) providing for a survey of the Ohio River, its tributaries, banks, and the area overflowed by floods at Portsmouth, Ohio; Manchester, Ohio; Gallipolis, Ohio, and Ironton, Ohio—to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 13661) to provide for the purchase of a site and the erection of a public building thereon at Bemidji, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13662) to provide for the purchase of a site and the erection of a public building thereon at Moorhead, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13663) extending the provisions of the seventh section of the act approved June 10, 1880, to the port of St. Vincent, Minn.—to the Committee on Ways and Means.

By Mr. PADGETT: A bill (H. R. 13664) providing for the issue and circulation of national bank notes—to the Committee on Banking and Currency.

By Mr. ELLIS of Missouri: A bill (H. R. 13665) to amend an act entitled "An act to promote the construction of a safe deep-water harbor on the coast of Texas"—to the Committee on Rivers and Harbors.

By Mr. O'CONNELL: A bill (H. R. 13666) authorizing the removal of the arsenal at Watertown, Mass., to the shores of Dorchester Bay—to the Committee on Military Affairs.

Also, a bill (H. R. 13667) to provide for furnishing artificial limbs to disabled soldiers—to the Committee on Military Affairs.

By Mr. WILEY: A bill (H. R. 13668) to provide a site and erect a public building at Luverne, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. BENNET of New York: A bill (H. R. 13669) to fix the compensation of certain laborers employed in the customs service at the port of New York—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: A bill (H. R. 13670) to fix fees and costs in the probate court of the District of Columbia and to provide for the collection and payment of the same, and for other purposes—to the Committee on the District of Columbia.

By Mr. MUDD: A bill (H. R. 13671) authorizing the Takoma Springs Ice Company to lay a pipe under certain streets and roads in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PARKER of South Dakota: A bill (H. R. 13672) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

By Mr. JONES of Virginia (by request): A bill (H. R. 13673) providing for the sale of Craney Island, in the harbor of Norfolk, and for other purposes—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 13674) authorizing the extension of P street to Kenilworth—to the Committee on the District of Columbia.

By Mr. ROBERTS: A bill (H. R. 13675) to explain the act of June 27, 1898, amending the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States"—to the Committee on the Judiciary.

By Mr. CALDER: A bill (H. R. 13676) fixing the compensation of the watchmen in the customs service at the port of New York—to the Committee on Ways and Means.

By Mr. CONNER: A bill (H. R. 13677) to provide a public park on Georgetown Heights, in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Pennsylvania: Joint resolution (H. J. Res. 99) directing the printing of 50,000 copies of Bulletin No. 333, issued by the United States Geological Survey—to the Committee on Printing.

Also, joint resolution (H. J. Res. 100) appointing a commission to investigate the recent mining disasters in the various States of the United States—to the Committee on Mines and Mining.

By Mr. STEPHENS of Texas: Resolution (H. Res. 148) requesting the Interstate Commerce Commission to send to the House certain information concerning the shipment of stock and commodities on certain railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Resolution (H. Res. 149) directing the Secretary of Commerce and Labor to report to the House certain information concerning certain trusts—to the Committee on the Judiciary.

By Mr. SMITH of Missouri: Resolution (H. Res. 150) requesting the transmission by the President to the Congress of the report upon conditions at Goldfield, Nev.—to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 13678) for the relief of R. P. Burhans—to the Committee on Claims.

Also, a bill (H. R. 13679) to correct the military record of Patrick H. McGee—to the Committee on Military Affairs.

Also, a bill (H. R. 13680) granting an increase of pension to Brice S. Ramsey—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 13681) for the relief of Mrs. R. N. Pharr and Mrs. H. B. Faut—to the Committee on War Claims.

By Mr. ALLEN: A bill (H. R. 13682) for the relief of Edmund M. Talcott—to the Committee on the District of Columbia.

Also, a bill (H. R. 13683) granting an increase of pension to Thomas W. Treadwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13684) granting an increase of pension to Moses L. Grace—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 13685) granting an increase of pension to Elicum Ayers—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 13686) for the relief of Peter Ludwig—to the Committee on War Claims.

Also, a bill (H. R. 13687) for the relief of Stephen Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 13688) for the relief of Mrs. Julia Steffey—to the Committee on War Claims.

Also, a bill (H. R. 13689) granting a pension to Anna McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13690) granting an increase of pension to Henry Thompson—to the Committee on Invalid Pensions.

By Mr. BOWERS (by request): A bill (H. R. 13691) to correct the military record of J. E. Mariner—to the Committee on Military Affairs.

Also, a bill (H. R. 13692) to correct the military record of Elias H. Lewin, alias William Harrington—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 13693) to correct the military record of William H. Manley—to the Committee on Military Affairs.

Also, a bill (H. R. 13694) to correct the military record of John Jones—to the Committee on Military Affairs.

Also, a bill (H. R. 13695) granting a pension to Ernest V. Fletcher—to the Committee on Pensions.

By Mr. BURLEIGH (by request): A bill (H. R. 13696) granting an increase of pension to Nathaniel L. Owen—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 13697) granting a pension to Charles J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13698) granting a pension to John Fettin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13699) granting an increase of pension to William H. Dodd—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 13700) for the relief of A. R. Hartzell—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 13701) granting a pension to Mattie B. Romsey—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 13702) granting a pension to Barnabas Lukenbill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13703) granting a pension to Elizabeth Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13704) granting a pension to Jacob Metzger—to the Committee on Pensions.

Also, a bill (H. R. 13705) granting a pension to Henry S. McFarren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13706) granting an increase of pension to Barnabas Lukenbill—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 13707) granting an increase of pension to Cornelius C. Mangis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13708) granting an increase of pension to William Goulding—to the Committee on Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 13709) granting an increase of pension to Rachel Fee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13710) granting an increase of pension to Frederick Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13711) granting an increase of pension to James M. Neil—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 13712) for the relief of the legal representatives of Sarah J. Montgomery, deceased—to the Committee on War Claims.

By Mr. COUDREY: A bill (H. R. 13713) granting an increase of pension to Anton Geiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13714) granting a pension to Edward J. Glasgow—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13715) for the relief of the legal representatives of George W. Soule—to the Committee on Claims.

By Mr. COX of Indiana: A bill (H. R. 13716) granting an increase of pension to George Seaver—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 13717) granting an increase of pension to Martha Holder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13718) granting an increase of pension to John H. Buckner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13719) granting a pension to M. C. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 13720) granting a pension to William K. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13721) completing the military record of Wiley Henson—to the Committee on Military Affairs.

Also, a bill (H. R. 13722) to complete the military record of George W. Davis—to the Committee on Military Affairs.

By Mr. DARRAGH: A bill (H. R. 13723) granting an increase of pension to Lewis A. Woodruff—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 13724) granting an increase of pension to Charles E. Goodno—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 13725) granting an increase of pension to John W. Sydnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13726) granting an increase of pension to General M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13727) granting an increase of pension to Oren Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13728) granting an increase of pension to James N. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13729) granting an increase of pension to Susan M. Sumner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13730) for the relief of Charles O. Allen or heirs—to the Committee on Claims.

By Mr. DWIGHT: A bill (H. R. 13731) granting an increase of pension to Van Buren Crain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13732) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 13733) for the relief of the heir of Francis H. McLeod—to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 13734) granting an increase of pension to John Cluck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13735) to correct the military record of Micaiah R. Evans—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 13736) granting an increase of pension to James P. Emons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13737) granting an increase of pension to Leander C. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13738) granting an increase of pension to August Petit—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 13739) for the relief of Robert W. Prosser, of Val Verde County, Tex.—to the Committee on Claims.

By Mr. HACKNEY: A bill (H. R. 13740) for the relief of Robert J. McGowan—to the Committee on War Claims.

Also, a bill (H. R. 13741) for the relief of Joseph C. Black—to the Committee on War Claims.

Also, a bill (H. R. 13742) to carry out the findings of the Court of Claims in the case of H. N. Vaughan, executor of Benjamin Kirk, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13743) to carry out the findings of the Court of Claims in the case of Abram Jones—to the Committee on War Claims.

Also, a bill (H. R. 13744) granting a pension to James H. Reed—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 13745) granting a pension to Steven Konicka—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13746) granting a pension to Martin Bolster—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13747) for the relief of the heirs of Larkin Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13748) for the relief of the heirs of James Stewart and John Lee McMichael, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13749) for the relief of John Billups—to the Committee on War Claims.

Also, a bill (H. R. 13750) for the relief of Matthew McDaniel—to the Committee on War Claims.

Also, a bill (H. R. 13751) granting a pension to William E. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 13752) granting an increase of pension to Amelia M. Salmon—to the Committee on Pensions.

Also, a bill (H. R. 13753) for the relief of the estate of William R. Poole, deceased—to the Committee on War Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 13754) granting a pension to James E. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13755) granting a pension to Elizabeth Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13756) granting a pension to William F. Bogert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting a pension to James M. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting a pension to Abram Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13759) granting a pension to Fannie E. Yost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13760) granting a pension to Neil Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13761) granting a pension to Mary E. Fraser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13762) granting a pension to Adolph Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13763) granting a pension to Mary Van Blarcom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13764) granting a pension to Ernest T. Etchells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13765) granting a pension to Patrick Mullin—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 13766) granting an increase of pension to Giles Walden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13767) authorizing the Secretary of War to recognize John A. Elmore, deceased, as having been a member of Company I, First Regiment Tennessee Volunteer Mounted Infantry, later Fifth Regiment Tennessee Volunteer Cavalry, civil war—to the Committee on Military Affairs.

By Mr. JACKSON: A bill (H. R. 13768) for the relief of Frank M. Travers—to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 13769) granting an increase of pension to Margaret H. Middleton—to the Committee on Pensions.

By Mr. KIPP: A bill (H. R. 13770) for the relief of Charles N. Warner—to the Committee on Military Affairs.

Also, a bill (H. R. 13771) granting a pension to Henry Stulen—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13772) for the relief of John C. Sullivan—to the Committee on Claims.

By Mr. LAMAR of Missouri: A bill (H. R. 13773) granting an increase of pension to Elias Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13774) granting an increase of pension to John A. Pond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13775) granting an increase of pension to Henry Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13776) granting a pension to William Breeding—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased—to the Committee on War Claims.

By Mr. LEAKE: A bill (H. R. 13778) for the relief of Margaret Underhill and Mary Clark—to the Committee on Claims.

By Mr. LLOYD: A bill (H. R. 13779) for the relief of Robert Harris—to the Committee on War Claims.

Also, a bill (H. R. 13780) for the relief of the heirs of O. P. Phillips, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 13781) granting an increase of pension to George H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13782) to reimburse Leroy D. Simonds for money expended by him on homestead lands entered to him by error of United States land agent—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 13783) granting an increase of pension to William H. Murray—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 13784) for the relief of William Vincent—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 13785) granting an increase of pension to Elizabeth S. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13786) for the removal of the charge of desertion against Henry C. Burrowes, late seaman, United States Navy—to the Committee on Naval Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 13787) granting an increase of pension to John N. Bayles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13788) granting an increase of pension to Noah Tohill—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 13789) granting an increase of pension to William Criswell—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 13790) granting an increase of pension to Edmund J. Pickett—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13791) granting an increase of pension to Consider H. Willett—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 13792) for the relief of Anna K. Carpenter, widow of the late Thomas H. Carpenter—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 13793) granting an increase of pension to Foster Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13794) granting an increase of pension to James Madison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13795) for the relief of the estate of William Duncan, deceased—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 13796) for the relief of James and William Crooks—to the Committee on Claims.

By Mr. O'CONNELL: A bill (H. R. 13797) granting an increase of pension to Louise A. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13798) granting an increase of pension to Michael J. Meehan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13799) granting a pension to John H. Leslie—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 13800) authorizing the President of the United States to nominate Lieut. Samuel Lindsey Graham, now on the retired list, to be a commander on the retired list—to the Committee on Naval Affairs.

Also, a bill (H. R. 13801) granting an increase of pension to Daniel Fegan—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 13802) for the relief of Gwinthlean Macrae Robinson—to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 13803) granting a pension to Vance V. Pearsall—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 13804) for the relief of Malcolm Gillis—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: A bill (H. R. 13805) granting an increase of pension to George Bolton—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13806) for the relief of George Barron—to the Committee on War Claims.

Also, a bill (H. R. 13807) to remove the charge of desertion from the military record of William E. Miller and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 13808) granting an increase of pension to George Morrison—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13809) for the relief of Charles S. Blood—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 13810) authorizing the Secretary of War to issue an honorable discharge to Norman S. Will, late of Company I, Twentieth Pennsylvania Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 13811) authorizing the Secretary of War to issue an honorable discharge to Evan R. Singleton, late of Company F, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 13812) granting an increase of pension to William Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13813) granting an increase of pension to Sarah R. Helsby—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 13814) granting an increase of pension to Simeon S. Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13815) granting an increase of pension to Levi M. Briddell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13816) granting an increase of pension to Patrick Handran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13817) granting an increase of pension to Philip Lutz—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 13818) for the relief of Eugene L. Willis—to the Committee on Military Affairs.

Also, a bill (H. R. 13819) granting a pension to Charles Gould—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 13820) granting a pension to Anna M. Umstead—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 13821) granting an increase of pension to George Huddleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13822) granting an increase of pension to Samuel A. Purviance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13823) granting an increase of pension to Freeland H. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13824) granting an increase of pension to Joseph Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13825) granting a pension to Jane Starrett—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 13826) granting an increase of pension to Henry Knox Sikes—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13827) granting an increase of pension to Harriet M. Ritter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Pennsylvania Pharmaceutical Association, for modification of Sherman trust law—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Guard Association of Pennsylvania, against wearing Army uniforms by unauthorized persons—to the Committee on Military Affairs.

Also, petition of Woman's Interdenominational Missionary Union, for a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Patrick H. McGee—to the Committee on Military Affairs.

By Mr. AIKEN: Papers to accompany H. R. 7633, to provide for appointment of an additional district judge for the district of South Carolina—to the Committee on the Judiciary.

Also, petition of State Baptist Convention of South Carolina, for the Littlefield original-package law—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Julia F. Darling—to the Committee on Invalid Pensions.

Also, petition of Agricultural Society of Charleston, S. C., for Appalachian and White mountains forest reserve—to the Committee on Agriculture.

Also, petition of Bilton (S. C.) Chamber of Commerce, for Appalachian park reserve and White Mountains reserve—to the Committee on Agriculture.

By Mr. ANSBERRY: Petition of Farmers' Institute of Continental, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of State Universities, for a national forest reserve in Appalachian and White mountains—to the Committee on Agriculture.

Also, petition of citizens of Ohio, for the Sherwood pension bill, giving all soldiers $1 per day—to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of Kansas State Horticultural Society, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of ex-volunteer officers of war of 1861-1865, and

citizens of Kansas, and Custer Post, No. 6, Grand Army of the Republic, for a volunteer retired list—to the Committee on Military Affairs.

Also, petition of Lucas & Co. and other voters, of Robinson, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Paper to accompany bill for relief of J. W. Lefever—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of mayor and council of city of Brunswick, Ga., for survey of route of proposed Atlantic and Great Western Canal—to the Committee on Rivers and Harbors.

By Mr. BOOHER: Paper to accompany bill for relief of Ellis W. Joy—to the Committee on War Claims.

Also, paper to accompany bill for relief of Caroline Larcom—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry C. Edmiston—to the Committee on Invalid Pensions.

By Mr. BOWERS: Paper to accompany bill for relief of John Kennedy—to the Committee on Military Affairs.

By Mr. BURNETT: Paper to accompany bill for relief of Samuel Shaffer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel D. Minor—to the Committee on Pensions.

By Mr. CALDER: Paper to accompany bill for relief of Catherine Sherry—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Paper to accompany bill for relief of Robert J. Hiner—to the Committee on Invalid Pensions.

By Mr. CHANEY: Petition of Crook Love and others, for a pension law giving soldiers of civil war $1 per day—to the Committee on Invalid Pensions.

Also, petition of Will A. Thompson and others, and Bullman & McBride, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of Pennsylvania Pharmaceutical Association, for amendment of Sherman trust law—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAWFORD: Paper to accompany bill for relief of John H. Buckner—to the Committee on Pensions.

Also, paper to accompany bill for relief of Martha Holder—to the Committee on Pensions.

By Mr. DARRAGH: Petitions of George F. Fairman and other citizens of Big Rapids, Mich.; also A. J. Morton and 40 others, of Marion, Mich., and E. H. Wilson and 15 others, of Bannister, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of N. B. Howard Post, No. 92, Grand Army of the Republic, of Dewitt, Iowa, for Dawson bill increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition to accompany bill for relief of C. T. Yetman—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petition of Colgate University, Hamilton, N. Y., for repeal of duty on art works (H. R. 15268)—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of Maritime Association of Port of New York, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. FOCHT: Paper to accompany bill for relief of Martin L. Protzman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry P. Fletcher—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Martin—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of citizens of Mount Carmel, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Clarence Frederick Chapman—to the Committee on Naval Affairs.

Also, papers to accompany bills for relief of Allen Byers, George R. Spore, and Francis M. Price—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of William Goldsborough and Elishama Beaty—to the Committee on War Claims.

By Mr. FOSTER of Vermont: Petition of John C. Hay and 25 others, of Hollywood, Cal., for modification of Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Fox River Valley (Ill.) Manufacturers' Association, for currency legislation—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Melvina Anderson—to the Committee on Invalid Pensions.

Also, petition of Joseph Woodruff Post, No. 281, Grand Army of the Republic, of Marseilles, Ill., for the McKinley pension bill, increasing widows' pensions to $12 per month—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: Petition of James Tanner, for fixing fees and costs in probate court of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GOEBEL: Petition of District Council of Amalgamated Woodworkers of Cincinnati, Ohio, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of Annual Convention of the Fruit Growers' Association of California, for modification of Chinese-exclusion law so that a fixed and liberal number of Chinese and Japanese be admitted annually on same sanitary conditions as are imposed on other immigrants—to the Commitee on Immigration and Naturalization.

By Mr. GREENE: Memorial of legislature of Massachusetts, for legislation to exterminate dogfish—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Fruit Growers' Association of California, for modification of Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. HACKNEY: Petitions of Joplin (Mo.) Council, No. 74, and Carthage (Mo.) Council, No. 281, United Commercial Travelers of America; also, merchants and business men of Carthage, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Fruit Growers' Convention of California, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fruit Growers' Convention of California, for legislation adequate to protect the country from insect pests—to the Committee on Agriculture.

Also, petition of Harry L. Howe, asking that soldiers discharged on account of tuberculosis may be treated in some hospital other than Fort Bayard, N. Mex.—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of citizens of Olathe, Kans., for Hepburn and Dolliver bill, Littlefield original-package bill, and other legislation—to the Committee on the Judiciary.

By Mr. HOBSON: Paper to accompany bill for relief of Steven Konicka—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martin Bolster—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of William Durrua—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of Cornelius Haynes—to the Committee on War Claims.

By Mr. KAHN: Petitions of 476 officers of the civil war residing in California, and 3,039 citizens of California, for H. R. 6288, to create a volunteer retired list—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Margaret H. Middleton—to the Committee on Pensions.

Also, petition of Asiatic Exclusion League, for exclusion of all Asiatic laborers except students and travelers—to the Committee on Foreign Affairs.

Also, petition of Chamber of Commerce of San Francisco, Cal., for appropriation for submarine torpedo boats for Pacific coast service—to the Committee on Naval Affairs.

Also, petition of General George G. Meade Post, Grand Army of the Republic, favoring pension law increasing pensions to $40 per month per capita—to the Committee on Invalid Pensions.

By Mr. KIPP: Paper to accompany bill for relief of Henry Stulen—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Henry C. Wright, for preservation of forests—to the Committee on Agriculture.

Also, petition of Maritime Association of Port of New York for Senate bill (S. 25) to promote efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maritime Association of Port of New York, for H. R. 31, for light and fog signal on Governors Island, New York Harbor—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William L. Felter, for increase of salary of United States Commissioner of Education—to the Committee on Education.

By Mr. LLOYD: Paper to accompany bill for relief of Robert Harris—to the Committee on War Claims.

Also, petition of 39 citizens of Hurdland, Mo.—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Adair County, Mo., for establishment of a civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. LOUD: Paper to accompany bill for relief of Leroy D. Simons—to the Committee on Private Land Claims.

Also, paper to accompany bill for relief of George H. Smith—to the Committee on Invalid Pensions.

Also, petition of Lake View Grange, Otsego County, Mich., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Paper to accompany bill for relief of Robert J. Hiner (previously referred to Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. MALBY: Paper to accompany bill for relief of Edmund J. Pickett—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany bill for relief of Consider H. Willett—to the Committee on Invalid Pensions.

By Mr. MILLER: Petitions of Pollock Post, No. 42 (59 members); citizens of Marion; volunteer officers of Lyndon, Osage County, Eureka, Greenwood County, and Council Grove, Marion County; citizens of Council Grove, Marion County, and Lyndon, Osage County, all in the State of Kansas, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of James Madison and Foster Drake—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of Fruit Growers' Association of California, for modification of the Chinese-exclusion law to suit fruit growers of California—to the Committee on Immigration and Naturalization.

Also, petition of Woman's Interdenominational Missionary Union, for a Sunday rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLMSTED: Petition of Pennsylvania Pharmaceutical Association, for amendment of the Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Papers to accompany bills for relief of Francis Polmanteer, Anna Conklin, and Matilda Gains—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of citizens of Kansas, for a law creating volunteer retired list—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of National Guard Association of Massachusetts, favoring Senate bill 2671, authorizing extra officers for the Army—to the Committee on Military Affairs.

By Mr. ROBINSON: Paper to accompany bill for relief of estate of Dr. W. D. Barnett—to the Committee on War Claims.

Also, paper to accompany bill for relief of W. B. Howard—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of Henry W. Clark and others, for Appalachian and White mountains forest reserve—to the Committee on Agriculture.

Also, petition of National Guard Association, of Massachusetts, for H. R. 2671, authorizing extra officers for Army—to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: Petition of E. Peltor and 48 others, for a parcels-post law and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 15, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Methodist Episcopal Church South, of Charleston, Tenn., *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The communication from the Acting Postmaster-General of the 17th of December last with regard to the distribution of useless documents and papers was referred to the joint committee, and the Chair appointed as members of the committee on the part of the Senate the Senator from Mississippi [Mr. MONEY] and the Senator from New Hampshire [Mr. GALLINGER]. The Chair will substitute the Senator from Texas [Mr. BAILEY] in place of the Senator from Mississippi [Mr. MONEY] as a member of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11330. An act to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind.;

H. R. 11331. An act to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.;

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River in Woodruff County, Ark.; and

H. J. Res. 88. Joint resolution to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice-President:

S. R. 1. Joint resolution amending an act relative to the public printing and binding, approved March 1, 1907; and

S. R. 14. Joint resolution extending the time allowed the organized militia of the several States and Territories and the District of Columbia to conform to the provisions of section 3 of the act approved January 21, 1903.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of China, Me., praying for the enactment of legislation to prohibit the use of the United States mails for the purpose of advertising intoxicating liquors, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a memorial of sundry citizens of Douglas, Wyo., remonstrating against the enactment of legislation changing the existing land laws of the United States, which was referred to the Committee on Public Lands.

He also presented a memorial of the Wool Growers' Association of Albany County, Wyo., remonstrating against the repeal of the duty on wool and hides, and also praying for the enactment of legislation providing for the sale of Government lands within the limits of railroad grants, which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Lincoln Club, of St. Paul, Minn., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE. I present the petition of Thomas Harrison, clerk of class four, in the Naval Observatory at Washington, D. C., praying that he be relieved from public service and that he be granted a moderate annuity during the remaining period of his natural life. I move that the petition be referred to the Committee on Naval Affairs; and I venture to call the attention of the Senator from Maine [Mr. HALE] to it when it reaches his committee.

The motion was agreed to.

Mr. GALLINGER presented the petition of Emmett Duffee, of Manchester, N. H., praying for the passage of the so-called "Kittredge copyright bill," which was referred to the Committee on Patents.

He also presented a petition of sundry second-hand booksellers of Washington, D. C., praying for the enactment of legislation to repeal the license tax of $40 per annum imposed on second-hand book dealers in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DOLLIVER presented a petition of the Commercial Club of Des Moines, Iowa, praying for the adoption of an amendment to the present interstate-commerce law relative to railroad companies changing freight classification or rules affecting the transportation of any commodity, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Olathe, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judicary.

Mr. CLAPP presented a petition of Local Union No. 30, International Typographical Union, of St. Paul, Minn., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.